



## APPENDIX

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|---|--------------------|-------------|-----------------------------|
| Motion to Modify Custody  | July 27, 2020      | I           | ROA000001<br>-<br>ROA000035 |
| Ex Parte Application for an Order Shortening Time   | July 27, 2020      | I           | ROA000036<br>-<br>ROA000044 |
| Order Shortening Time   | July 28, 2020      | I           | ROA000045<br>-<br>ROA000046 |
| Notice of Entry of Order Shortening Time  | July 29, 2020      | I           | ROA000047<br>-<br>ROA000060 |
| Second Ex Parte Application for an Order Shortening Time  | August 5, 2020     | I           | ROA000061<br>-<br>ROA000069 |
| Defendant's Opposition and Countermotion  | August 20, 2020    | I           | ROA000070<br>-<br>ROA000104 |
| Referral Order for Outsourced Evaluation Services   | August 27, 2020    | I           | ROA000105                   |
| Reply in Support of Plaintiff's Motion and in Opposition to Defendant's Countermotion                                 | August 27, 2020    | I           | ROA000106<br>-<br>ROA000134 |
| Order After the August 27, 2020 Hearing   | September 28, 2020 | I           | ROA000135<br>-<br>ROA000142 |
| Notice of Entry of Order from the August 17, 2020 Hearing   | September 30, 2020 | I           | ROA000143<br>-<br>ROA000153 |
| Defendant's Emergency Motion for Interim Sole Physical Custody, for Hunter to be interviewed, and for Attorney's Fees | March 17, 2021     | I           | ROA000154<br>-<br>ROA000164 |
| Defendant's Ex Parte Application for and Declaration in Support of Request an Order                                   | March 17, 2021     | I           | ROA000165<br>-<br>ROA000167 |

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| Shortening Time on Motion for Emergency Interim Sole Physical Custody for Hunter to be Interviewed, and for Attorney's Fees  |                |             |                             |
| Order Shortening Time  | March 18, 2021 | I           | ROA000168<br>-<br>ROA000170 |
| Plaintiff's Opposition to Defendant's Emergency Motion; and Countermotion Renewing Motion to Modify. Declaration of Maggie Cox   | March 22, 2021 | I           | ROA000171<br>-<br>ROA000197 |
| Order Appointing Guardian Ad Litem   | March 22, 2021 | I           | ROA000198<br>-<br>ROA000203 |
| Case and Evidentiary Hearing/Non-Jury Trial Management Order   | March 31, 2021 | I           | ROA000204<br>-<br>ROA000218 |
| Notice of Motion and Motion for Appointment with Reunification Expert, for Supplement to Brief from Zelensky, for an Award of Attorney Fees and Costs and Related Relief; Declaration of Plaintiff | April 14, 2021 | I           | ROA000219<br>-<br>ROA000239 |
| Ex Parte Application for an Order Shortening Time  | April 14, 2021 | II          | ROA000240<br>-<br>ROA000246 |
| Order Shortening Time  | April 21, 2021 | II          | ROA000247<br>-<br>ROA000249 |
| Notice of Entry of Order Shortening Time   | April 21, 2021 | II          | ROA000250<br>-<br>ROA000255 |
| Defendant's Opposition to Plaintiff's Motion for Appointment with Reunification  | May 3, 2021    | II          | ROA000256<br>-<br>ROA000270 |

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| Expert, for Supplement to Brief from Zelensky, for an Award of Attorney's Fees and Counter-motion to Remove the Therapist for Hunter and for Attorney's Fees  |              |             |                             |
| Reply In Support Of Plaintiff s Motion For Appointment With Reunification Expert, For Supplement To Brief From Zelensky, For An Award Of Attorney Fees And Costs, And Related Relief; And In Opposition To Defendant s Counter-motion To Remove Therapist And For Attorney s Fees | May 10, 2021 | II          | ROA000271<br>-<br>ROA000288 |
| Defendant's Supplement to Opposition to Motion for Appointment with Reunification Expert, for Supplement to Brief From Zelensky, for an Award of Attorney s Fees and Costs, and Counter-motion to Remove the Therapist for Hunter, and for Attorney s Fees                        | May 13, 2021 | II          | ROA000289<br>-<br>ROA000291 |
| Order from March 22, 2021 Hearing   | May 20, 2021 | II          | ROA000292<br>-<br>ROA000301 |
| Notice of Entry of Order  | May 21, 2021 | II          | ROA000302<br>-<br>ROA000314 |
| Stipulation and Order Resolving 2021-2022 School Enrollment for Minor Child   | May 28, 2021 | II          | ROA000315<br>-<br>ROA000318 |
| Order for Appointment of Special Master/Parenting Coordinator   | June 3, 2021 | II          | ROA000319<br>-<br>ROA000335 |

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| Notice of Entry of Stipulation and Order Resolving 2021-2022 School Enrollment for Minor Child   | June 8, 2021    | II          | ROA000336<br>-<br>ROA000342 |
| Notice of Entry of Order   | June 9, 2021    | II          | ROA000343<br>-<br>ROA000362 |
| Notice of Motion and Motion to Reset Child Support and Correct Tax Exemption Issue; Declaration Plaintiff  | June 29, 2021   | II          | ROA000363<br>-<br>ROA000373 |
| Minute Order – No Hearing Held   | July 30, 2021   | II          | ROA000374<br>-<br>ROA000377 |
| Defendant's Opposition to Plaintiff's Motion to Modify Child Support, to Correct Tax Exemption Issue and Countermotion for Reimbursement of Overpayment of Child Support and for Attorney's Fees | July 30, 2021   | II          | ROA000378<br>-<br>ROA000391 |
| Defendant's Objection to the Parenting Coordinator's Suggestions   | August 9, 2021  | II          | ROA000392<br>-<br>ROA000401 |
| Order after May 13, 2021 Hearing   | August 10, 2021 | II          | ROA000402<br>-<br>ROA000411 |
| Notice of Entry of Order After Hearing   | August 11, 2021 | II          | ROA000412<br>-<br>ROA000424 |
| Plaintiff's Opposition to Defendant's Objection to the Parenting Coordinator's Recommendation and Countermotion for Attorney's Fees and Costs  | August 30, 2021 | II          | ROA000425<br>-<br>ROA000437 |

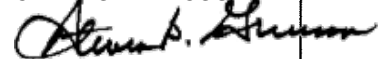
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| Defendant's Reply to Opposition to Objection to the Parenting Coordinator's Recommendations and Opposition to Countermotion for Attorney's Fees and Costs | September 22, 2021 | II          | ROA000438<br>-<br>ROA000446 |
| Order from February 25, 2021 Hearing  | September 28, 2021 | II          | ROA000447<br>-<br>ROA000455 |
| Notice of Entry of Order  | September 28, 2021 | II          | ROA000456<br>-<br>ROA000467 |
| Case and Evidentiary Hearing/Non-Jury Trial Management Order  | September 28, 2021 | III         | ROA000468<br>-<br>ROA000484 |
| Order from September 27, 2021 Hearing   | November 16, 2021  | III         | ROA000485<br>-<br>ROA000494 |
| Notice of Entry of Order from September 27, 2021 Hearing  | November 16, 2021  | III         | ROA000495<br>-<br>ROA000507 |
| Plaintiff s Motion To Amend The Order From September 27, 2021 Hearing To Conform With The Minutes And For Attorney s Fees And Costs                       | December 7,2021    | III         | ROA000508<br>-<br>ROA000516 |
| Motion to Disqualify Judge Dawn Thorne  | January 5, 2022    | III         | ROA000517<br>-<br>ROA000538 |
| Minute Order – No Hearing Held  | January 10, 2022   | III         | ROA000539<br>-<br>ROA000540 |
| Defendant's Opposition to Plaintiff's Motion to Disqualify Judge Throne and Countermotion for Attorney's Fees and Costs                                   | January 10, 2022   | III         | ROA000541<br>-<br>ROA000560 |

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| Defendant's Opposition to Plaintiff's Motion to Amend the Order from September 2021 Hearing to Conform With the Minutes and for Attorney's Fees and Costs and Countermotion for Child Support Arrears, to Reset Child Support to the Original Amount, for Defendant to be Confirmed as Permanent Primary Physical Custodian, Attorney's Fees and Costs | January 10, 2022  | III         | ROA000561<br>-<br>ROA000581 |
| Decision and Order   | January 20, 2022  | III         | ROA000582<br>-<br>ROA000588 |
| Defendant's Pre-Trial Memorandum   | February 21, 2022 | III         | ROA000589<br>-<br>ROA000617 |
| Plaintiff's Pre-Trial Memorandum   | February 22, 2022 | III         | ROA000618<br>-<br>ROA000639 |
| Transcripts RE: Pre-Trial Conference - Tuesday, February 22, 2022  | February 22, 2022 | III         | ROA000640<br>-<br>ROA000651 |
| Transcripts RE: Evidentiary Hearing - Tuesday, March 10, 2022 (Sealed)   | March 10, 2022    | IV          | ROA000652<br>-<br>ROA000901 |
| Admitted Trial Exhibits – Exhibit “2”  | March 10, 2022    | V           | ROA000902<br>-<br>ROA000904 |
| Admitted Trial Exhibits – Exhibit “14”   | March 10, 2022    | V           | ROA000905<br>-<br>ROA000924 |
| Admitted Trial Exhibits – Exhibit “15”   | March 10, 2022    | V           | ROA000925<br>-<br>ROA000934 |
| Admitted Trial Exhibits – Exhibit “16”   | March 10, 2022    | V           | ROA000935<br>-              |

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|   |                |             | ROA000938                          |
| Admitted Trial Exhibits – Exhibit “17”  | March 10, 2022 | V           | ROA000939<br>-<br>ROA000944        |
| Admitted Trial Exhibits – Exhibit “22”  | March 10, 2022 | V           | ROA000945<br>-<br>ROA000956        |
| Admitted Trial Exhibits – Exhibit “23”  | March 10, 2022 | V           | ROA000957<br>-<br>ROA000698        |
| Admitted Trial Exhibits – Exhibit “B”   | March 10, 2022 | V           | ROA000969<br>-<br>ROA000986        |
| Admitted Trial Exhibits – Exhibit “C”   | March 10, 2022 | V           | ROA000987<br>-<br>ROA000990        |
| Admitted Trial Exhibits – Exhibit “G”   | March 10, 2022 | V           | ROA000991<br>-<br>ROA000993        |
| Admitted Trial Exhibits – Exhibit “L”   | March 10, 2022 | V           | ROA000994<br>-<br>ROA000996        |
| Admitted Trial Exhibits – Exhibit “M”   | March 10, 2022 | V           | ROA000997<br>-<br><b>ROA001000</b> |
| Admitted Trial Exhibits – Exhibit “N”   | March 10, 2022 | V           | ROA001001<br>-<br>ROA001002        |
| Transcripts RE: Evidentiary Hearing Tuesday, March 11, 2022 (Sealed) (Part 1) | March 11, 2022 | V           | ROA001003<br>-<br>ROA001137        |
| Transcripts RE: Evidentiary Hearing Tuesday, March 11, 2022 (Sealed) (Part 2) | March 11, 2022 | VI          | ROA001138<br>-<br>ROA001328        |
| Admitted Trial Exhibits – Exhibit “8”   | March 11, 2022 | VI          | ROA001329<br>-<br>ROA001331        |

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| Admitted Trial Exhibits – Exhibit “E”                                | March 11, 2022 | VI          | ROA001332<br>-<br>ROA001336 |
| Admitted Trial Exhibits – Exhibit “H”                                | March 11, 2022 | VI          | ROA001337<br>-<br>ROA001340 |
| Admitted Trial Exhibits – Exhibit “I”                                | March 11, 2022 | VII         | ROA001341<br>-<br>ROA001389 |
| Admitted Trial Exhibits – Exhibit “R”                                | March 11, 2022 | VII         | ROA001390<br>-<br>ROA001572 |
| Transcripts RE: Evidentiary Hearing Tuesday, March 31, 2022 (Sealed) | March 31, 2022 | VII         | ROA001573<br>-<br>ROA001816 |
| Admitted Trial Exhibits – Exhibit “7”                                | March 31, 2022 | IX          | ROA001817                   |
| Admitted Trial Exhibits – Exhibit “10”                               | March 31, 2022 | IX          | ROA001839                   |
| Admitted Trial Exhibits – Exhibit “11”                               | March 31, 2022 | IX          | ROA001840                   |
| Admitted Trial Exhibits – Exhibit “12”                               | March 31, 2022 | IX          | ROA001841                   |
| Order from March 11, 2022  | April 7, 2022  | IX          | ROA001842<br>-<br>ROA001848 |
| Defendant’s Brunzell Memorandum of Fees and Costs                    | April 11, 2022 | IX          | ROA001849<br>-<br>ROA001889 |
| Notice of Entry of Order from March 11, 2022                         | April 11, 2022 | IX          | ROA001890<br>-<br>ROA001899 |
| Minute Order – No Hearing Held                                       | April 28, 2022 | IX          | ROA001900<br>-<br>ROA001903 |
| Findings of Fact, Conclusions of Law and Judgement                   | May 18, 2022   | IX          | ROA001904<br>-<br>ROA001934 |

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| Notice of Entry of Findings of Fact, Conclusions of Law and Order from the Evidentiary Hearings on March 10, 11, and 31 | May 18, 2022 | IX          | ROA001935<br>-<br>ROA001969 |
| Notice of Appeal  | June 9, 2022 | IX          | ROA001970<br>-<br>ROA001972 |
| Writ of Execution   | June 9, 2022 | IX          | ROA001973<br>-<br>ROA001979 |
| Plaintiff's Case Appeal Statement   | July 6, 2022 | IX          | ROA001980<br>-<br>ROA001985 |



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8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 MAGGIE J. ROE (nka MAGGIE COX),) Case No: D-11-450074-D  
12 ) Dept No: R  
13 Plaintiff,) **NOTICE OF MOTION AND**  
14 v.) **MOTION TO MODIFY COURT'S**  
15 JASON J. ROE,) **ORDERS, TO MODIFY PHYSICAL**  
16 Defendant.) **CUSTODY, FOR COUNSELING,**  
17 ) **FOR A BRIEF FOCUS**  
18 ) **ASSESSMENT, REMOVAL FROM**  
19 ) **SOCIAL MEDIA, FOR AN AWARD**  
20 ) **OF ATTORNEY FEES AND**  
21 ) **COSTS, AND RELATED RELIEF;**  
22 ) **DECLARATION OF PLAINTIFF.**  
23 )  
24 ) Date of Hearing:  
25 ) Time of Hearing:  
26 )  
27 ) **Oral Argument Requested**  
28 )

24 TO: Defendant, Jason J. Roe, by and through his attorney of record, Fred  
25 Page, Esq.



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- 5. Maggie’s request for Hunter to be unfriended or removed from social media should be granted;
- 6. Maggie’s request for attorney fees and costs should be granted; and
- 7. Any and all related relief the Court deems just and proper.

DATED this 27<sup>th</sup> day of July, 2020.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**  
3 **Notice**

4 The Plaintiff, Maggie Cox, acknowledges this Motion is thirty (30) pages in  
5 length, excluding the Notice of Motion, Declaration of Maggie and the Certificate  
6 of Service attached hereto. Therefore, this Motion meets the thirty (30) page limit  
7 pursuant to *EDCR* § 5.503(e)(4).  
8

9 **II.**  
10 **Statement of Facts**

11 The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”),  
12 were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The  
13 Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born on November  
14 9, 2009. The Parties have joint legal and physical custody of Hunter pursuant to the  
15 Court’s Order.  
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18 **Clerical Errors from Last Custodial Order:**

19 On June 15, 2017, the Parties were before the Court. Although the Order  
20 was based upon a stipulated agreement, somehow, the Order from that hearing was  
21 submitted without the approval of Maggie’s Counsel and approved.<sup>1</sup> Thereafter,  
22 Maggie’s Counsel submitted an Amended Order After Hearing to the Court, but it  
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26 \_\_\_\_\_  
27 <sup>1</sup> The Order from the June 15, 2017 hearing was filed on November 21, 2017.

1 was rejected so the errors from the Order that was filed have not been corrected.<sup>2</sup>

2 As a result, the Parties continue to have problems because there is not a complete

3 Order which dictates things like timeshare, holiday sharing, etc. **Therefore, the**

4 **Order from the hearing held on June 15, 2017, needs to be corrected and terms**

5 **of the Order which were left out need to be included in one final Order to**

6 **reduce conflict for the Parties and child. {EMPHASIS ADDED}**

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9 As an example, the current filed Order from the June 15, 2017 hearing (filed

10 November 21, 2017) states, “The parties stipulate to continue the Holiday

11 Visitation Schedule currently in place.”<sup>3</sup> This is not actually what was agreed upon.

12  
13 In fact, the most recent Order before this Order was issued, was the Decree of

14 Divorce filed February 6, 2013, and provides the following:<sup>4</sup>

15 16. JASON’S work schedule does not vary for holidays. JASON receives  
16 notice of his days off a year in advance.

17 17. The parties agreed to the following holiday and vacation visitation  
18 schedule.

19 a. JASON receives off from Le Reve four days in March, fourteen  
20 days in June, four days in September, and eight days in December.  
21 JASON will be entitled to those days except as otherwise specified.

22 b. MAGGIE will have Christmas Break in all years with the  
23 exception if the break Le Reve has overlaps with Christmas Break in  
24 even numbered years, then JASON’S break with Le Reve will take  
precedence.

25 <sup>2</sup> A copy of the proposed Amended Order Following Evidentiary Hearing is attached to the  
26 companion filing as **Exhibit “1”** and is included by reference herein.

27 <sup>3</sup> See Order filed on November 21, 2017, at page 3, lines 5 through 7.

28 <sup>4</sup> See Decree of Divorce beginning at Page 3, line 22 through page 4, line 25.

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c. MAGGIE will have Spring Break in all years with the exception of the break Le Reve has overlaps with Spring Break in even numbered years, then JASON'S break with Le Reve will take precedence.

d. The parties will alternative Thanksgiving with MAGGIE having the even numbered years. Thanksgiving will be defined as Wednesday after school until Sunday evening.

e. MAGGIE will have the entirety of the three day weekends for Memorial Day, Labor Day, Veterans Day, Martin Luther King Day, Nevada Day, and President's Day. The three day weekend will be defined as beginning on the custody exchange on Friday at noon and will end at the custody exchange at 8:00 a.m. the following Wednesday.

f. MAGGIE will have a two week block of vacation time with Hunter in the summer.

g. The time period Le Reve is dark will take precedence over all other days except as otherwise specified above.

Rather, it was agreed that the holiday schedule would be modified to allow the Parties to equally share in holidays. It is clear that this has caused confusion and should be corrected.

In addition, Jason no longer works at Le Reve and providing these days and holiday timeshare to Jason based upon a former work calendar does not make sense. It appears Jason is working for Justin Sports Medicine Team, as an Athletic Trainer for Rodeo's and/or participants and traveling around the country for same. If this is the case, Jason has been leaving the child with Alexandra when he is away

1 from the residence for periods of time, and not notifying Maggie so she could  
2 exercise her right of first refusal as Ordered by this Court.

3  
4 Hunter's Statements and Behavior Following Jason's Visitations:

5 There was dispute regarding whether or not Maggie would be able to spend  
6 the 2020 Mother's Day holiday with Hunter.<sup>5</sup> Again, it comes back to not having a  
7 clear Order. When Maggie finally received Hunter on Sunday, he was angry and  
8 upset with Maggie. Hunter expressed to Maggie that he wanted to be with Jason  
9 and Mom (i.e. Alexandra) that day. Hunter had already participated in Mother's  
10 Day celebrations with Jason on Saturday to recognize Hunter's Mom (i.e.  
11 Alexandra) and Mama Maryann (i.e. Jason's first ex-wife) to celebrate Mother's  
12 Day.<sup>6</sup>

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16 <sup>5</sup> Written communication between Maggie and Jason regarding the Father's Day holiday in 2019  
17 and the Mother's Day holiday in 2020 are attached to the companion filing as **Exhibit "2"** and  
18 fully incorporated herein by reference. In 2019, the Parties had a disagreement about the  
19 exchange time for the Father's Day holiday which the Parties confirmed was a three (3) day  
20 weekend. Father's Day and Mother's Day were to be celebrated in equal periods. Therefore,  
21 Maggie was entitled to the three (3) day holiday for Mother's Day of 2020. However, Jason  
22 refused to allow Maggie to exercise the three (3) day weekend for Mother's Day of 2020, and  
23 restricted her time with Hunter to the day itself. **This is just another reason that the Court  
24 Order need to be fixed because there is no clear Order which has caused problems for the  
25 Parties. {EMPHASIS ADDED}**

26 <sup>6</sup> It continues to be inappropriate for Jason and his spouse to encourage Hunter to call Alexandra  
27 by the moniker "Mom." This sends an inappropriate message and should not be tolerated by the  
28 Court. Hunter has one (1) Mom and that is Maggie. Clearly, Hunter is confused which is another  
reason that he needs to be attending therapy.

29 Additionally, Alexandra has made several Facebook posts which include Hunter (by reference  
and tagging him in the post) which portray Maggie in a negative light, reference Maggie as "birth  
30 mother" and reference Court Orders. Hunter is tagged in some of the posts, and since Hunter has  
31 his own Facebook account and is "friends" with Alexandra and Jason on Facebook, he can easily  
32 view these posts and is likely prompted when the posts are made. There are posts between  
33 Jason's first wife, Maryanne, and Alexandra where Maggie is criticized, again, Hunter has access

1 Hunter and Danika Cox (“Danika” which is Maggie’s daughter from another  
2 relationship) had written a song for Maggie for Mother’s Day and rehearsed it<sup>7</sup>;  
3 however, they never sang it because after returning from Jason’s care, Hunter was  
4 irritated and indicated, “Danika is too stupid to do anything.” Hunter was also  
5 calling Maggie and Danika derogatory names. When Maggie made a simple  
6 decision, Hunter said she was a “delusional lunatic.” Although Hunter has had  
7 anger issues for some time, the extent really got so much worse after Jason withheld  
8 him for Mother’s Day weekend Friday and Saturday, and he was forced to return to  
9 Maggie on Sunday.

10 Hunter repeatedly claims that Maggie never wanted him and he “hated” her  
11 and Danika. Hunter became aggressive with Maggie, punching her multiple times  
12 and locking himself in Maggie’s house. At the time, Maggie and Danika were  
13 locked outside the house by Hunter. The only way Maggie could get him to open  
14 the door was a threat that she would call the police.

15 Recently, from June 15, 2020 through July 5, 2020, Hunter was on vacation  
16 with Jason and Alexandra, where they traveled to Arizona, Montana and Idaho.  
17 Hunter expressed that he “got to be by myself” on 4<sup>th</sup> of July because Jason “could  
18 see him from the room.” Although the town they were visiting, Elk River, is

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19 to this Alexandra should not be making these posts and Hunter should be shielded from this type  
20 of statements.

21 <sup>7</sup> A copy of the song that Peggy found while helping Hunter clean his bedroom is attached to the  
22 companion filing as **Exhibit “3”** and fully incorporated herein by reference.

1 relatively small, there was a large celebration and large crowds for the holiday and  
2 summer. Hunter is only ten (10) years old and should not be “on his own,”  
3 especially while out-of-state and on vacation in a new environment. Jason denied  
4 phone calls with Hunter while he was on vacation with Hunter – stating there was  
5 no Wi-Fi available. It is noted that Wi-Fi connection is not needed to place calls  
6 and clearly there was cell phone service since social media posts were made by  
7 Jason and Alexandra. In fact, there are Facebook posts wherein Jason and  
8 Alexandra are in a bar (Jason is even behind the bar pouring drinks) – this is very  
9 likely the “room” in the bar that Jason could see Hunter out of as referenced by  
10 Hunter. It is clear Jason was not watching Hunter while he was in the bar drinking  
11 and tending bar. Additionally, there is a post with Hunter holding an assault rifle  
12 which he refers to as “my gun.”<sup>8</sup>

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17 Following visitations with Jason, Hunter returned, saying to Maggie such as:

- 18 • *“You never wanted me, you wanted a girl.”*
- 19 • *“You’ve lived a perfect life, treated like a princess.”*
- 20 • *“You’ve never worked a day in your life.”*
- 21 • *“You and Danika are spoiled brats.”*
- 22 • *“You’ve had everything given to you- you’re going to just be*  
23 *given a business.”*

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26 <sup>8</sup> A copy of the text message received by Maggie is attached to the companion filing as **Exhibit**  
27 **“4”** and fully incorporated herein by reference.

1 On numerous times, both following timeshare with Jason and during his time  
2 with Maggie, Hunter has also made statements such as:

- 3 • *"I hate this family." Maggie believes this is a reference to*
- 4 *Maggie, Danika and likely Maggie's parents.*
- 5
- 6 • *"I'm going to kill you."*
- 7
- 8 • *"You're a bunch of liars and everybody knows it."*

9 Hunter repeatedly acts out of control while with Maggie. He has thrown a  
10 bag of trash on Maggie's computer, locked Maggie out of the house, kicked and  
11 punched Maggie (as well as his little sister, Danika, Maggie's Mother "Peggy" and  
12 Maggie's Father "Papa Tom"). Maggie attempts to speak with Hunter to determine  
13 the cause for his rage and these statements, but he can never give an example or  
14 express why he makes these statements.  
15

16  
17 When Hunter is asked to speak to people respectfully (by Maggie and/or her  
18 parents), Hunter responds with statement such as:

- 19 • *"You haven't earned my respect."*
- 20
- 21 • *"The truth hurts, doesn't it?"*

22 Maggie attempted to address Hunter's behavior with Jason by sending him  
23 an email following the Mother's Day incident and including a few examples of  
24 Hunter's behavior. One of Jason's responses was, *"Hunter tells it like it is and*  
25 *that's an admirable quality."* From Jason's response and his own behavior, it is  
26

1 apparent Jason does not and will not facilitate a healthy relationship between  
2 Hunter and Maggie, and Jason is likely the source of these things Hunter is saying  
3 to Maggie.  
4

5 Hunter takes out his anger mainly at Maggie and his little sister, Danika.  
6 Hunter also appears to be very angry at Clinton Cox (“Clint”) which is Danika’s  
7 Father. Recently and after returning from Jason’s vacation, Hunter accused Maggie  
8 of standing by and allowing him to be abused by Clint. Hunter told a story to  
9 Maggie on their way to California that Clint had thrown him across the room,  
10 punched him and stood on his chest. Hunter kept repeating: “*I was only 5.*” After a  
11 few days, Hunter added to the story, “*Mom just stood there and let him do it,*” “*I*  
12 *could call Jake and Capri (Clint’s older children) and they would tell you – she just*  
13 *stood there.*”  
14  
15

16  
17 This past weekend, Hunter went into a complete rage on Danika (who is only  
18 six (6) years old), screaming at her, “*You have a horrible Dad,*” “*I’m glad he was in*  
19 *the hospital,*” “*I wish he had died,*” and “*I hope he dies!*”<sup>9</sup> Clint recently had a  
20 heart surgery and Hunter overheard a phone conversation, but Danika was not  
21 aware of any of this information. Hunter further claimed Clint hit him with a belt  
22 with a metal buckle – Maggie would have been present and/or seen evidence of this  
23 if it had actually happened. Hunter alleges these things occurred when he was just  
24  
25

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26 <sup>9</sup> Declarations from Maggie’s family members who have witnessed Hunter’s recent behavior are  
27 attached to the companion filing as **Exhibit “5”** and fully incorporated herein by reference.

1 five (5) years old, but is bringing these things up now, after an extended timeshare  
2 with his Father, when other arguments are also being brought up. Maggie had  
3 never heard either of these stories or known of any such behavior, but always  
4 validates Hunter's feelings. Maggie further informed Hunter that he can come to  
5 her to talk about these things, but he cannot act the way he does with Danika and he  
6 cannot say these things to Danika or in her presence. Clearly, Hunter has emotional  
7 issues which need to be addressed with a professional.

10 Continual Involvement by Alexandra and Maryann:

11 The Court's Order from the June 15, 2017 hearing, includes the following  
12 language:

14 6. Jason's current spouse, ex-wife, Marlene, or significant others shall  
15 not be at the minor child's school during the Maggie's timeshare, at  
16 any extracurricular activities and/or sporting events for the minor child  
17 as ordered in a previous hearing in this case. Upon Defendant's  
18 request, the issue shall be revised with Dr. Ponzo in six months from  
19 today's hearing.

20 Although Jason's Counsel drafted the Order, he misrepresented the names of  
21 Jason's current wife, and ex-wife (either on accident or on purpose to avoid having  
22 the Order enforced). Jason's current spouse is Alexandra, and his ex-spouse is  
23 Maryann. Nevertheless, neither of these persons should be at the child's school  
24 during Maggie's timeshare, and they shall not be present at an extracurricular  
25 activity. True to form, Jason allowed Alexandra to sign up as a volunteer for  
26 Hunter's class; Alexandra signed up and volunteered for the child's school field  
27

1 trips, thereby preventing Maggie from being able participate; Alexandra was the  
2 team mom for Hunter's soccer team and appearing at sporting events, etc. The list  
3 goes on and on. Clearly, the intent of the Court was to allow Maggie to be involved  
4 and participate in these activities and events with Hunter, rather than Alexandra  
5 stepping in to block Maggie. Against the Court's Orders, Alexandra continues to  
6 involve herself in Hunter's school and extra-curricular activities.  
7

8  
9 Coronavirus and Protective Measures:

10 During this worldwide pandemic, galivanting from place to place and being  
11 in large crowds is not warranted. During Hunter's summer vacation with Jason,  
12 preventative measures were not followed. When Hunter was describing camping in  
13 Arizona, he said the lake where they camped was "really crowded." In the photos  
14 posted by Alexandra of their vacation, no facemasks were ever present. They  
15 visited crowded and public places. In fact, Elk River had a coronavirus outbreak  
16 during the time of their visit over the 4<sup>th</sup> of July holiday.  
17

18 Because of the places Hunter traveled with Jason, Maggie stayed home a few  
19 days with Hunter and watched for any coronavirus symptoms, before leaving to  
20 visit her parents as they do each summer. Maggie then drove with Hunter and  
21 Danika to her family's residence in Atascadero, California. On or about July 11,  
22 2020, Hunter developed a cough. As Hunter has had asthma tendencies, Maggie  
23 brought his nebulizer, but he refused to use it. Hunter alleged to Maggie that the  
24  
25  
26  
27

1 doctor who prescribed it “*Wasn’t a real doctor,*” “*Wasn’t my doctor,*” “*It made me*  
2 *worse*” and that Maggie was “*Giving me covid- thanks mom.*” These are not  
3 statements a ten (10) year old child makes up – he has to hear these from  
4 somewhere. Hunter did end up agreeing to a breathing treatment eventually,  
5 against his initial objection. Maggie further tried to monitor Hunter with a pulse  
6 oximeter and temperature checks, but it was difficult to get Hunter to comply. Due  
7 to Hunter’s continued symptoms and non-compliance to Maggie’s request to  
8 monitor him, Maggie advised Hunter Wednesday morning they had to go to a  
9 doctor. Hunter refused- kicking, punching and screaming. Maggie’s Father (“Papa  
10 Tom”), had to physically put Hunter in the car. Once in the car, Hunter calmed  
11 down and cooperated at the doctor’s office.<sup>10</sup> Maggie immediately let Jason know  
12 of the situation. The doctor felt Hunter needed to be tested for the coronavirus and  
13 was prescribed some medication (including an inhaler which he is using).<sup>11</sup>  
14 Hunter’s cough has improved, but he still has a cough. Hunter indicates he doesn’t  
15 feel great, but he has not exhibited any additional symptoms.

16  
17  
18  
19  
20  
21 As a result of Maggie taking Hunter to her parents’ residence in California  
22 and to the doctor’s office, Jason accused Maggie of taking Hunter into a group of ill  
23 people. This is not true, no one at Maggie’s parents’ residence have been sick and  
24

25  
26 <sup>10</sup> Jason is still down as Hunter’s primary insurance and his card was not accepted so she has been  
27 billed for the doctor’s appointment and she was forced to pay full price for the medications.

28 <sup>11</sup> The coronavirus test results have not returned yet, as of the drafting of this Motion.

1 social distancing measures are being adhered to, including wearing masks.<sup>12</sup> It is  
2 hopeful the test results will be returned within the next few days so Hunter can play  
3 with his cousins and interact with other family members, play throughout the  
4 property, and walk on the beach. No one within Maggie's parents' residence has  
5 had symptoms, been exposed (to Maggie's knowledge) or needed to be tested.  
6  
7 Hunter has been disappointed and angry at the fact that he has not been able to do  
8 some of the activities he had hoped to do. Therefore, he is taking it out on Maggie  
9 and calling her a "liar" since they planned activities, but haven't been able to do  
10 these things.  
11

12  
13 This behavior is not normal for a ten (10) year old child. Clearly, something  
14 is going on and it is very concerning to Maggie. When Maggie addressed the issues  
15 with Hunter's emotions and behaviors, Jason simply denies any problem when  
16 Hunter is at his house and thereby refuses therapy.<sup>13</sup> As the Parties are joint legal  
17 custodians, they need to agree on issues regarding medical care for Hunter. Maggie  
18  
19

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20 <sup>12</sup> There is a separate sleeping area for each person (a full suite with individual beds and own  
21 bathroom), all meals have been outside, and a large Carriage House is set up for games and crafts.  
22 There are many outdoor activities throughout the 5 acres property. Maggie's mother ("Peggy") is  
23 the only one doing cooking and serving of food to the family. Maggie's sister and her family  
24 reside next door. The first few days Maggie and the children arrived in California, they only  
25 participated in socially distant activities and dinners. When Hunter's cough began, Maggie,  
26 Hunter and Danika kept themselves distanced from others, including the cousins. Prior to Hunter  
27 developing symptoms, he and Papa Tom picked up archery items in town and had lunch. They  
28 wore masks - even in the car.

<sup>13</sup> One time Jason suggested Nick Ponzio speak with Hunter; however, Maggie objects to using  
Mr. Ponzio because it would be a dual role is not permitted. Jason refused in recent  
communication regarding Mother's Day which is unreasonable and now must be resolved by the  
Court.

1 believes that Hunter needs to speak with a neutral person to address his emotions,  
2 behaviors and coping skills. There is no logical reason that a parent would fight  
3 against a child speaking with a neutral person such as a therapist to assist with  
4 mental health and behavioral issues.  
5

6         Since Jason alleges there are no issues with Hunter during his timeshare,  
7 Maggie believes it would be best if the therapy occur during her timeshare, to allow  
8 her and Hunter to attend sessions both independently and together, as the therapist  
9 deems appropriate. This way, the child's concerns and behaviors can be addressed  
10 and behavior modification tools utilized during this time. In the event the therapist  
11 desires for Jason to participate with Hunter, then Jason shall be required to  
12 participate also.  
13

14         Although the Parties share joint legal custody, Maggie requests to be the  
15 parent to select the therapist for Hunter. Maggie would be treating with the same  
16 therapist when she and Hunter participate. Further, since Jason indicates there are  
17 not problems during this custodial timeshare, then he should not be opposed to  
18 Maggie making this selection. Clearly Maggie will be choosing a therapist which is  
19 in the child's best interest. Additionally, Maggie is concerned if Jason would be  
20 permitted to select a therapist, as his wife appears to have a close friend who is a  
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1 therapist and any person he selects may be impartial or not in the child and  
2 Maggie's best interest.<sup>14</sup>

3  
4 As indicated herein, Maggie was forced to be billed by the doctor's office  
5 and had to pay full price for medication for Hunter. Jason was required to provide  
6 health insurance for Hunter, but the card provided by Jason for the child's policy  
7 was denied. Due to the denial, Maggie is under the assumption that Jason's health  
8 insurance coverage for Hunter has been cancelled; however, Jason has not relayed  
9 any information to Maggie regarding a change or cancellation. In the event there is  
10 no insurance coverage due to Jason's loss of employment and failure to timely  
11 notify Maggie of same, then Jason should be solely responsible for 100 percent  
12 (100%) of these expenses.

13  
14  
15 *Child Subjected to/Involved in Adult Matters:*

16  
17 It seems apparent from Hunter's statements and behaviors following his  
18 timeshare with Jason (and Jason's side of the family), that Hunter is being included  
19 in, subjected to involvement in this litigation and/or hears Jason's feeling and  
20 beliefs towards Maggie. Hunter treats Maggie in nearly the same manner as Jason  
21 has in the past and as expressed in this litigation.

22  
23 On Alexandra's social media, Alexandra had posted about Jason spending his  
24 stimulus check on Porn websites and even posted the bill. As Hunter has his own  
25

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26 <sup>14</sup> See Alexandra Roe's Facebook post attached to the companion filing as **Exhibit "6"** and fully  
27 incorporated herein by reference.

1 Facebook account, and is “friends” with Alexandra and Jason, he has access to and  
2 is likely notified when there are posts made.

3  
4 Also, being that Hunter is Facebook friends with Alexandra, he is also privy  
5 to her posts. During the quarantine period in April, Alexandra posted a photo of  
6 Hunter with an update of his distance learning. In the comments of the post, one of  
7 Alexandra’s friends’ states, “*Thank God he is with you, is there anything we can do*  
8 *to help you keep him and just have short visits with his Mom?*” In response,  
9 Alexandra replies, “*...I wish!*”

10  
11 *Child Support, Taxes and Unreimbursed Medical Expenses:*

12  
13 Maggie has not received any child support payment from Jason since  
14 approximately mid-May of 2020. Jason owes child support arrears for in excess of  
15 five-hundred dollars (\$500.00) for the remainder of May, as well as June and July  
16 2020. Prior to this date, Jason missed child support payments to Maggie for  
17 November and December, 2019, but Maggie already addressed this issue with  
18 Child Support Enforcement.  
19

20  
21 It is unfathomable that Jason would take a three (3) week vacation and travel,  
22 while failing to pay child support during that same period. Clearly Jason does not  
23 have the child’s best interest at heart, as the child support payment is used to assist  
24 in providing for Hunter’s needs and well-being.  
25

1 For the 2018 tax year, Jason unilaterally and in violation of the Court's  
2 Order, claimed Hunter on his taxes. This is not the first time Jason has violated the  
3 Court's Orders and claimed the child on a year which was granted to Maggie – he  
4 originally did this in 2011. Maggie discovered Jason's actions when her tax return  
5 was rejected since Hunter was already claimed by Jason. To resolve this issue  
6 moving forward, Maggie requests to be permitted to claim Hunter on her tax returns  
7 for both the 2020 and 2021 tax years.  
8

10 Along with the other financial matters of child support and child tax  
11 deduction, Jason has failed to adhere to the 30/30 Rule and failed to timely  
12 reimburse Maggie for unreimbursed medical expenses incurred on behalf of Hunter.  
13 At this time, the existing claims submitted to Jason would cost more to argue than it  
14 is warranted, but she reserves the right to claim any and all future submissions to  
15 Jason, and requests this Court admonish Jason to follow the Court's Order and  
16 timely reimburse Maggie for such expenses.  
17

19 Compliance with EDCR § 5.501

21 There was not an attempt to resolve this matter with Jason prior to filing the  
22 Motion because pursuant to EDCR § 5.501 (b) because it would be have been futile  
23 and/or impractical. The issues with the Order from the last hearing were addressed  
24 by Maggie's Counsel on a number of occasions; however, Mr. Page refused to  
25 work with Counsel to file an Amended or corrected Order. Maggie has addressed  
26

1 and tried to resolve the remaining issues outlined herein through communication  
2 with Jason through Our Family Wizard, to no avail. The child is spiraling out of  
3 control after coming back from Jason's care and there is no possibility it will get  
4 better without Court involvement. This matter needs to be resolved by the Court  
5 and/or set for Trial, with the assistance of a Brief Focus Assessment ("BFA").  
6

7  
8 **III.**  
9 **Legal Analysis**

10 A. Maggie's request to correct the clerical error or include the actual  
11 Orders from the hearing held on June 15, 2017, should be granted.

12 NRCP § 60 (a) allows the court to "correct a clerical mistake or a mistake  
13 arising from oversight or omission whenever one is found in a judgment, order, or  
14 other part of the record. The court may do so on motion or on its own, with or  
15 without notice." In this matter, the Order from June 15, 2017, was fraught with  
16 errors which were brought to the attention of Opposing Counsel and the Court. As  
17 a simple example, holidays were not correct which has led to consistent problems  
18 because there is not a clear Order of the Court. The current Order actual restricts  
19 Jason's holiday timeshare whereas, the agreement as actual Ordered more equally  
20 divided holidays. This is just one example which has allowed Jason to continue to  
21 manipulate and harass Maggie. The Court should modify the Order in accordance  
22 with terms of the agreement reached by the Parties and as Ordered by the Court on  
23 June 15, 2017.  
24  
25  
26

1 B. Maggie's request for a Brief Focus Assessment and modification of  
2 physical custody should be granted.

3 In this matter, the Parties currently share joint physical custody. As a result  
4 of the issues presently being addressed, Maggie is seeking a modification of  
5 physical custody. Thus, Maggie must simply establish that a modification of  
6 physical custody would be in the child's best interest. *Truax v. Truax*, 110 Nev.  
7 437, 874 P.2d 10 (1994). *NRS* § 125C.0035 (4) provides the best interest factors  
8 the Court must consider, additional factors may also be considered as this list is not  
9 all inclusive. The factors are as follows:  
10  
11

12 Wishes of the Child-

13 In this matter, Hunter is only ten and a half (10 ½) years old. Hunter is  
14 triangulated into parent conflict and is causing him to act out verbally and physical.  
15 As such, Hunter is not of a sufficient age and capacity to state of preference.  
16

17 Nomination of Guardian-

18 This factor is not relevant to the present action.  
19

20 Frequent Association and Continuing Relationship-

21 In this matter, Maggie alleges that she is the compliant parent who would  
22 ensure frequent association and a continuing relationship. In contrast, Maggie  
23 alleges that Jason has engaged in a pattern of conduct, including restricting  
24 Maggie's time over the Mother's Day weekend and saying things to Hunter which  
25 impacted the Mother's Day weekend, that shows Jason does not allow Hunter to  
26  
27

1 have frequent association and a continuing relationship with Maggie. Additionally,  
2 during vacation periods, Jason does not ensure that Maggie receives her telephone  
3 contact with Hunter which is just another attempt to denigrate Maggie to Hunter.  
4  
5 As such, this factor favors Maggie's position.

6 Level of Conflict-

7  
8 This matter has always been high conflict. In high conflict parenting  
9 situations, it is better for the child to be primarily in one parent care to reduce  
10 exchanges and conflict. As such, this factor favors Maggie's position.

11 Ability of the Parents to Cooperate-

12  
13 As set forth herein, Jason does not want to cooperate and co-parent Hunter.  
14 Maggie raises issues about Hunter's statements and behaviors which cannot be  
15 described as anything other than inappropriate. Jason's response was, "*Hunter tells*  
16 *it like it is and that's an admirable quality.*" It would seem that the Court could  
17 draw a conclusion that Jason is saying or doing things to demean Maggie in  
18 Hunter's eyes and cause him to be triangulated into parental conflict. It also  
19 solidifies that Jason is the parent who refuses to cooperate and creates the conflict.  
20  
21 Therefore, this factor favors Maggie's position.

22 Mental and Physical Health of the Parents-

23  
24 Maggie alleges she is in good mental and physical health. Maggie does not  
25 know the status of Jason's mental and physical health. Maggie has concerned about  
26

1 Jason's behavior, but she is unsure if those concerns raise to the level of mental  
2 health issues that impact Jason's ability to provide for Hunter's best interest. These  
3 are very concerning and should not be simply overlooked by the Court.  
4

5 To this end, this factor should be viewed as neutral by the Court unless it is  
6 determined through the assessment requested that there are issues with a parents  
7 mental or physical health.  
8

9 *Physical, Developmental and Emotional Needs of Child-*

10 Again, Hunter is ten and a half (10½) years old. At his age, Hunter should be  
11 forming stronger peer relationships, experiencing peer pressure, approaching  
12 puberty, becoming more independent from family, having a point of view, etc.<sup>15</sup>  
13

14 Although some of these things are happening, Hunter is struggling emotionally  
15 which is impacting his developmental and physical needs. Hunter has withdrawn  
16 from Maggie and her family with whom he previously had a close and loving  
17 relationship. Besides becoming withdrawn, Hunter is physically violent with  
18 Maggie and his sister; and he says things which are not age appropriate for a ten  
19 and a half (10½) year old. As an example, how would Hunter know if during her  
20 pregnancy with him that Maggie wished for a girl over a boy? That is not  
21 something that Maggie would have shared because all she wanted was a healthy  
22 child. So, where is Hunter getting these ideas? It is not logical that he would  
23  
24  
25

26 \_\_\_\_\_  
27 <sup>15</sup> <https://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/middle2.html>

1 formulate those ideas on his own without hearing something or being told  
2 something. Additionally, the longer periods that Hunter is with Jason or withheld  
3 against the Court Order, Hunter becomes more despondent and bad-mannered;  
4 Hunter is under the impression Maggie improperly medicated him. Again, these  
5 are not things that a ten and a half (10½) year old could articulate. Therefore, this  
6 factor favors Maggie's position for primary physical custody.  
7

8  
9 *Nature of Relationship with Parents-*

10 Hunter is so triangulated into the parental conflict and enmeshed with Jason's  
11 position that his relationship with Maggie is strained. Maggie believes this is  
12 because of Jason's improper communication and behaviors when Hunter is in his  
13 care. This includes Jason allowing his current wife and ex-wife to speak negatively  
14 about Maggie on social media which is viewed by the child. This just should not  
15 happen. To disengage Hunter, he needs to have a longer period in Maggie's care  
16 and restricted access with Jason pending repair to his relationship with Maggie and  
17 then shorter periods of visitation. Therefore, this factor favors Maggie's position  
18 for primary physical custody.  
19

20  
21  
22 *Sibling Relationship-*

23 Hunter has siblings on both sides of his family. Previously, Hunter had a  
24 close of loving relationship with Danika; however, that relationship has changed.  
25  
26  
27

1 That relationship needs to be repaired to ensure that he grows up and has healthy  
2 relationship with his sibling.

3  
4 Abuse or Neglect-

5 This factor is not relevant to the present action.

6  
7 Abduction-

8 In this matter, Maggie alleges that Jason has engaged in acts of abduction  
9 pursuant to *NRS* § 200.359 (1)(a) and (2). Repeatedly, Jason has withheld Hunter  
10 from Maggie when it is not his custodial time which is “a limited right to custody”  
11 and by violating the Court Orders and refusing to comply with Maggie’s Court  
12 Ordered timeshare with Hunter. Maggie alleges Jason engages in this behavior to  
13 undermine her parental relationship with Hunter in attempt to sway Hunter’s  
14 perceptions and behaviors. As such, this factor should favor Maggie’s request for  
15 primary physical custody.  
16  
17

18 Domestic Violence-

19 This factor is not relevant to the present action.

20  
21 Conclusion-

22 Based upon the foregoing, Maggie requests the Court enter an Order for a  
23 Brief Focus Assessment (“BFA”) with Donna Wilburn, and a modification of  
24 physical custody whereby, Maggie is awarded primary physical custody of the  
25 minor child.  
26

1 C. Maggie's request for Hunter to be enrolled in counseling should be  
2 granted.

3 NRS § 125C.0045 (a) provides that the Court can enter any Orders related to  
4 "he custody, care, education, maintenance and support of the minor child as appears  
5 in his or her best interest[.]" Further, NRS § 125C.0035 (4)(g) provides that one of  
6 the best interest factors is the "physical, developmental and emotional needs of the  
7 child." Here, Hunter is struggling emotionally. Hunter is hearing or being told  
8 something by someone other than Maggie that is leading him to act out in a  
9 physically aggressive manner and to say things which are inappropriate outside of  
10 his age of ten and half (10½) year old. Examples of statements being made when  
11 Hunter is in Maggie's care including the following which are not be proffered by  
12 Maggie or her family; therefore, it begs the question if Maggie is not saying it then  
13 who else in the child's life would be making such derogatory and hateful comments  
14 around or to the minor child:  
15  
16  
17

- 18 • "You never wanted me, you wanted a girl."
- 19 • "You've never worked a day in your life."
- 20 • "You and Danika are spoiled brats."
- 21 • "You're a bunch of liars and everybody knows it."
- 22 • "You haven't earned my respect."
- 23 • "The truth hurts, doesn't it?"
- 24
- 25
- 26
- 27
- 28



1 E. Maggie's request for an award of attorney's fees and costs should be  
2 granted.

3 The issues outlined herein needed to be addressed by this Court. Since the  
4 last hearing was held in this action on June 15, 2017, Maggie has attempted to  
5 resolve the continued issues with Jason and by addressing the issues with his  
6 Counsel. Clearly by Jason's comments to Maggie, and his actions and behavior to  
7 challenge her at every instance, he is not concerned about resolving the issues and  
8 will not cooperate with Maggie. Jason's own Counsel failed to respond to  
9 Maggie's Counsels prior attempts to resolve the issues with the Order from the  
10 hearing held on June 15, 2017, which was filed on November 21, 2017, absent  
11 Attorney Roberts' approval. These issues require the intervention of this Court!  
12

13  
14  
15 Maggie presents the issues outlined herein in good faith and it is anticipated  
16 she will be the prevailing Party, and in accordance with *NRS* §18.010, she should  
17 be entitled to an award of attorney's fees and costs from Jason.  
18

19 When dealing with attorney fees the Nevada Supreme Court has issued a  
20 litany of relevant cases including the holding in *Sargeant v. Sargeant*, 88 Nev. 223,  
21 495 P.2d 618 (1972). In *Sargeant*, the Nevada Supreme Court considered a wife's  
22 award of attorney fees. The husband argued the attorney fees were excessive and  
23 should not have been granted from the husband's sole and separate property. The  
24 Court determined that "[t]he wife must be afforded her day in court without  
25 destroying her financial position. This would imply that she should be able to meet  
26  
27

1 her adversary in the courtroom on an equal basis.” When it comes to post-Decree  
2 matters, the same line of reasoning applies and Maggie should be awarded fees to  
3 protect her interests in the matter and permit her to meet Jason in Court on equal  
4 footing. *Halbrook v. Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998).

6 One of the prevailing cases regarding attorney fees is *Brunzell v. Golden*  
7 *Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). In *Brunzell* the Nevada  
8 Supreme Court set forth the factors, now known as the Brunzell Factors, which the  
9 Court considered “well known basic elements to be considered” when awarded  
10 attorney fees. The Court said each factor should be According the Brunzell  
11 Factors are as follows:  
12

- 14 1. The quality of advocacy;<sup>16</sup>
- 15 2. The character of the work to be done;<sup>17</sup>
- 16 3. The work actually performed by the lawyer;<sup>18</sup> and
- 17 4. The results obtained.

#### 18 **Quality of Advocacy**

19 Maggie’s Counsel has been practicing law since 2005 and focuses her  
20 practice area primarily in the area of family law, and she is in good standing with  
21

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23 <sup>16</sup> When considering the quality of the advocacy the Court should look at the attorney’s ability,  
24 training, education, professional standing, and skill.

25 <sup>17</sup> When considering the character of the work to be done the Court should look at the difficulty,  
26 intricacy, importance, time, skill required, the responsibility imposed, and the character of the  
27 Party when they have a relevancy to the litigation.

<sup>18</sup> When considering the work performed the Court should consider the skill, time, and attention  
28 given to the work.

1 the State Bar of Nevada. Maggie's Counsel participated in a weekly radio show  
2 geared at the Clark County community, focused on issues relative to family law.

3  
4 Yearly, Maggie's Counsel attends continuing legal education classes to stay  
5 abreast of changes in the area of family law. Through a practice primarily in family  
6 law, Maggie's Counsel has drafted countless Motions, argued before the District  
7 Court and Hearing Master on issues related to domestic violence/custody/  
8 divorce/adoption/termination of parental rights, brought and defended individuals at  
9 Trials and Evidentiary Hearings. Additionally, Maggie's Counsel has taken cases  
10 on Appeal to the Supreme Court of Nevada.  
11

12  
13 **Character of Work Done**

14 Due to the fact that Maggie's Counsel practices primarily in the area of  
15 family law, she has regularly dealt with issues involved in violations of terms of  
16 Family Court related Orders, child support enforcement, arrears, and wage  
17 assignments.  
18

19 **Work Performed**

20 Maggie's Counsel maintains a billing system and will prepare, upon the  
21 request of this Court, a billing statement to address the actual attorney fees  
22 extended by Maggie relative to the Motion and hearing. Maggie is billed at a rate of  
23 \$300.00 per hour which is a rate on par with other attorneys practicing primarily in  
24 the area of family law.  
25  
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6. Granting Maggie's request for an award of attorney's fees and costs.

7. Any and all relief the Court deems proper and just.

Dated this 27<sup>th</sup> day of July, 2020.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By: Amanda M. Roberts

Amanda M. Roberts, Esq.  
State Bar of Nevada No. 9294  
4411 South Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
Email: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

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**DECLARATION OF MAGGIE COX**

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

1. I am the Plaintiff in the above entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of the foregoing Motion.

2. I have read the foregoing Motion and can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matter stated upon information and belief, and as to those matters, Declarant believes them to be true.

3. Declarant incorporates all the facts of the motion into this declaration as though fully set forth herein.

**FURTHER DECLARANT SAYETH NAUGHT.**

Dated this 27<sup>th</sup> day of July, 2020.

By: /s/ Maggie Cox  
Maggie Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,  
and on the 27 day of July, 2020, I served by and through Wiz-Net electronic  
service, pursuant Clark County District Court Administrative Order 14-2 for service  
Of Documents Identified In Rule 9 Of The N.E.F.C.R., the foregoing Plaintiff's  
Motion to Modify the Court's Orders, to Modify Physical Custody, for Counseling,  
for a Brief Focus Assessment, Removal from Social Media, for an Award of  
Attorney Fees and Costs, and Related Relief,, to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By:   
Employee of Roberts Stoffel Family Law Group

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

MAGGIE COX  
Plaintiff/Petitioner  
v.  
JASON ROE  
Defendant/Respondent

Case No. D-11-450074-D  
Dept. R

**MOTION/OPPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

|                                     |             |  |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | <b>\$25</b> | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  |
| -OR-                                |             |  |
| <input type="checkbox"/>            | <b>\$0</b>  | The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:  |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.   |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.  |
| <input type="checkbox"/>            |             | The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. |
| <input type="checkbox"/>            |             | Other Excluded Motion (must specify) _____.  |

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

|                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | <b>\$0</b>   | The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:  |
| <input checked="" type="checkbox"/> |              | The Motion/Opposition is being filed in a case that was not initiated by joint petition.   |
| <input type="checkbox"/>            |              | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$129</b> | The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$57</b>  | The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129. |

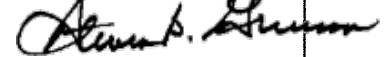
**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

|                          |            |                                     |             |                          |             |                          |             |                          |              |                          |              |
|--------------------------|------------|-------------------------------------|-------------|--------------------------|-------------|--------------------------|-------------|--------------------------|--------------|--------------------------|--------------|
| <input type="checkbox"/> | <b>\$0</b> | <input checked="" type="checkbox"/> | <b>\$25</b> | <input type="checkbox"/> | <b>\$57</b> | <input type="checkbox"/> | <b>\$82</b> | <input type="checkbox"/> | <b>\$129</b> | <input type="checkbox"/> | <b>\$154</b> |
|--------------------------|------------|-------------------------------------|-------------|--------------------------|-------------|--------------------------|-------------|--------------------------|--------------|--------------------------|--------------|

Party filing Motion/Opposition: Plaintiff Date 7-27-2020

Signature of Party or Preparer /s/ CORWIN



1 **EPAP**  
2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294  
4 **ROBERTS STOFFEL FAMILY LAW GROUP**  
5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121  
7 PH: (702) 474-7007  
8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Plaintiff, Maggie Roe

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

|   |   |
|---|---|
| <p>10 MAGGIE J. ROE (nka MAGGIE COX),</p> <p>11<br/>12 Plaintiff,</p> <p>13 v.</p> <p>14 JASON J. ROE,</p> <p>15 Defendant.</p> | <p>Case No: D-11-450074-D</p> <p>Dept No: R</p> <p><b>EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME</b></p> |
|---|---|

17 COMES NOW the Plaintiff, Maggie Cox, by and through her attorney of  
18 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and  
19 hereby moves this Court for an Order Shortening Time on Plaintiff's Motion to  
20 Modify Court's Orders, to Modify Physical Custody, for Counseling, for a Brief  
21 Focus Assessment, Removal from Social Media, for an Award of Attorney Fees  
22 and Costs and Related Relief. This Application is based upon the Affidavit of  
23  
24

25 \ \ \

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1 Amanda M. Roberts, Esq. Moreover, this Application is made and based upon all  
2 the papers, pleadings and records on file herein, as well as the Points and  
3 Authorities attached hereto.  
4

5 DATED this 27<sup>th</sup> day of July, 2020.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7  
8 By: Amanda M. Roberts

9 Amanda M. Roberts, Esq.  
10 State of Nevada Bar No. 9294  
11 4411 S. Pecos Road  
12 Las Vegas, Nevada 89121  
13 PH: (702) 474-7007  
14 FAX: (702) 474-7477  
15 EMAIL: efile@lvfamilylaw.com  
16 Attorneys for Defendant, Maggie Cox

17 **POINTS AND AUTHORITIES**

18 **I.**  
19 **Points and Authority**

20 *EDCR* § 5.513 states, the request for an Order Shortening Time may be  
21 sought through *ex parte* means. The request must be accompanied by an Affidavit  
22 explaining the need for the request for an Order Shortening Time. The request for  
23 an Order Shortening Time can only be granted after the Motion has been served  
24 absent exigent circumstances; the Motion was served in this matter.

25 The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”),  
26 were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The  
27

1 Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born on November  
2 9, 2009. The Parties have joint legal and physical custody of Hunter pursuant to the  
3 Court’s Order.  
4

5 As set forth in Maggie’s Motion, there are errors in the Order from June 15,  
6 2017. Despite attempts with Jason’s Counsel and the Court to modify the Orders,  
7 without a Motion it could not be accomplished. As a result of these errors, the  
8 Parties having extreme difficulty in co-parenting the minor child. These errors need  
9 to be addressed by this Court and get corrected as soon as possible, to prevent  
10 further problems with co-parenting and the Parties relationship with the minor  
11 child.  
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14 Additionally, as outlined in Maggie’s Motion, Hunter needs therapy and  
15 intervention. Maggie alleges that Hunter has become triangulated into the parental  
16 conflict. As a result, Hunter’s relationship with Maggie is quickly deteriorating and  
17 immediate intervention is needed. Maggie basis this allegation on the following  
18 statements and behaviors Hunter has exhibited since Mother’s Day of 2020:  
19

- 20 • Hunter became aggressive with Maggie, punching her multiple times  
21 and locking himself in Maggie’s house. At the time, Maggie and  
22 Danika Cox (“Danika” which is Maggie’s daughter from another  
23 relationship) were locked outside the house by Hunter. The only way  
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Maggie could get him to open the door was a threat that she would call the police.

- Hunter kicked and punched Maggie (as well as his little sister, Danika, Maggie’s Mother “Peggy” and Maggie’s Father “Papa Tom”).
- Hunter has said, “I’m going to kill you.”
- Hunter has said, “You’re a bunch of liars and everybody knows it.”
- Hunter was also calling Maggie and Danika derogatory names.
- Hunter has said, “I hate this family.” Maggie believes this is a reference to Maggie, Danika and likely Maggie’s parents.
- When Maggie made a simple decision, Hunter said she was a “delusional lunatic.”
- Hunter and Danika had written a song for Maggie for Mother’s Day and rehearsed it, but never followed through saying that “Danika is too stupid to do anything.”
- Hunter repeatedly claims that Maggie never wanted him and he “hated” her and Danika.
- Hunter has said, “You never wanted me, you wanted a girl.” This is something that Hunter must have gotten from Jason or his wife because Maggie never said this to Hunter.
- Hunter has said, “You’ve lived a perfect life, treated like a princess.”



1 further impact Hunter's developmental and emotional needs. Therefore, immediate  
2 action is required and can only be accomplished through Court intervention.

3 Dated this 27<sup>th</sup> day of July, 2020.  
4

5 **ROBERTS STOFFEL FAMILY LAW GROUP**

6 By: Amanda M. Roberts  
7

8 Amanda M. Roberts, Esq.  
9 State Bar of Nevada No. 9294  
10 4411 S. Pecos Road  
11 Las Vegas, Nevada 89121  
12 PH: (702) 474-7007  
13 FAX: (702) 474-7477  
14 Attorneys for Plaintiff, Maggie Cox

15 **AFFIDAVIT OF AMANDA M. ROBERTS, ESQ.**

16 STATE OF NEVADA )  
17 ) ss  
18 County of Clark )  
19

20 I, Amanda M. Roberts, Esq., the Plaintiff's attorney in the above referenced  
21 matter and I can attest to the below reference facts as being true and correct to the  
22 best my knowledge as represented by my client.

23 1. The Parties to this action, Maggie Cox ("Maggie") and Jason Roe  
24 ("Jason"), were divorced pursuant to a Decree of Divorce filed on February 6,  
25 2013. The Parties have one (1) minor child, to wit: Hunter Roe ("Hunter"), born on  
26 November 9, 2009. The Parties have joint legal and physical custody of Hunter  
27 pursuant to the Court's Order.

1           2.     As set forth in Maggie’s Motion, there are errors in the Order from  
2 June 15, 2017. Despite attempts with Jason’s Counsel and the Court to modify the  
3 Orders, without a Motion it could not be accomplished. As a result of these errors,  
4 the Parties having extreme difficulty in co-parenting the minor child. These errors  
5 need to be addressed by this Court and get corrected as soon as possible, to prevent  
6 further problems with co-parenting and the Parties relationship with the minor  
7 child.  
8

9  
10           3.     Additionally, as outlined in Maggie’s Motion, Hunter needs therapy  
11 and intervention. Maggie alleges that Hunter has become triangulated into the  
12 parental conflict. As a result, Hunter’s relationship with Maggie is quickly  
13 deteriorating and immediate intervention is needed. Maggie basis this allegation on  
14 the following statements and behaviors Hunter has exhibited since Mother’s Day of  
15 2020:  
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- 18           a) Hunter became aggressive with Maggie, punching her multiple times  
19           and locking himself in Maggie’s house. At the time, Maggie and  
20           Danika Cox (“Danika” which is Maggie’s daughter from another  
21           relationship) were locked outside the house by Hunter. The only way  
22           Maggie could get him to open the door was a threat that she would call  
23           the police.
- 24           b) Hunter kicked and punched Maggie (as well as his little sister, Danika,  
25           Maggie’s Mother “Peggy” and Maggie’s Father “Papa Tom”).
- 26           c) Hunter has said, “I’m going to kill you.”
- 27           d) Hunter has said, “You’re a bunch of liars and everybody knows it.”
- 28           e) Hunter was also calling Maggie and Danika derogatory names.
- f) Hunter has said, “I hate this family.” Maggie believes this is a  
          reference to Maggie, Danika and likely Maggie’s parents.

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- g) When Maggie made a simple decision, Hunter said she was a “delusional lunatic.”
- h) Hunter and Danika had written a song for Maggie for Mother’s Day and rehearsed it, but never followed through saying that “Danika is too stupid to do anything.”
- i) Hunter repeatedly claims that Maggie never wanted him and he “hated” her and Danika.
- j) Hunter has said, “You never wanted me, you wanted a girl.” This is something that Hunter must have gotten from Jason or his wife because Maggie never said this to Hunter.
- k) Hunter has said, “You’ve lived a perfect life, treated like a princess.”
- l) He has thrown a bag of trash on Maggie’s computer.
- m) When Hunter is asked to speak to people respectfully (by Maggie and/or her parents), Hunter responds with statement such as: “You haven’t earned my respect.” Maggie attempted to address Hunter’s behavior with Jason by sending him an email following the Mother’s Day incident and including a few examples of Hunter’s behavior. One of Jason’s responses was, “Hunter tells it like it is and that’s an admirable quality.” From Jason’s response and his own behavior, it is apparent Jason does not and will not facilitate a healthy relationship between Hunter and Maggie, and Jason is likely the source of these things Hunter is saying to Maggie.

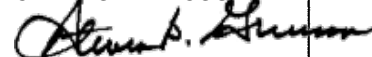
4. Maggie is requesting that the Court grant her request for an Order Shortening Time. Hunter needs immediate intervention and waiting four to six (4-6) weeks of a hearing and then another delay to get into an appointment with a therapist (if the request is granted by this Court) will only further impact Hunter’s developmental and emotional needs. Therefore, immediate action is required and can only be accomplished through Court intervention.

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**OST**  
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
**ROBERTS STOFFEL FAMILY LAW GROUP**  
4411 South Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MAGGIE J. ROE (nka MAGGIE COX),  
Plaintiff,  
v.  
JASON J. ROE,  
Defendant.

Case No: D-11-450074-D  
Dept No: R

**ORDER SHORTENING TIME**


It appears to the satisfaction of this Court and good cause appearing  
therefore;

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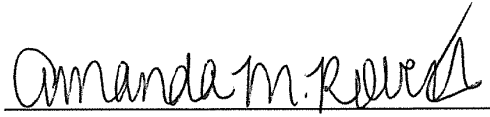
IT IS HEREBY ORDERED that Plaintiff's request for an Order Shortening Time is hereby granted and the hearing on Plaintiff's Motion to Modify the Court's Orders, to Modify Physical Custody, for Counseling, for a Brief Focus Assessment, Removal from Social Media, for an Award of Attorney Fees and Costs and Related Relief, is hereby shortened to the 27 day of August, 2020, at 10:00 a.m. ~~a.m./p.m.~~

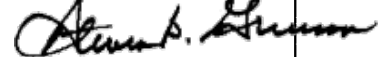
IT IS SO ORDERED this 28 day of July, 2020.

  
\_\_\_\_\_  
District Court Judge *fr*

Respectfully submitted this 27th day of July, 2020.

**ROBERTS STOFFEL FAMILY  
LAW GROUP**

By:   
\_\_\_\_\_  
Amanda M. Roberts, Esq.  
State Bar of Nevada No. 9294  
4411 S. Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
Email: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox



1 **NTSO**  
2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294  
4 **ROBERTS STOFFEL FAMILY LAW GROUP**  
5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121  
7 PH: (702) 474-7007  
8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Plaintiff, Maggie Cox

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

11 MAGGIE J. ROE (nka MAGGIE ) Case No: D-11-450074-D  
12 COX), ) Dept No: R  
13 )  
14 Plaintiff, )  
15 v. ) **NOTICE OF ENTRY OF ORDER**  
16 ) **SHORTENING TIME**  
17 JASON J. ROE, )  
18 )  
19 Defendant. )

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PLEASE TAKE NOTICE an Order Shortening Time was entered on the 28<sup>th</sup> day of July, 2020 a copy of which is attached hereto and fully incorporated herein.

Dated this 29<sup>th</sup> day of July, 2020.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By: *Amanda M. Roberts*

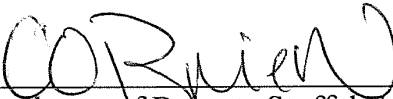
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
4411 South Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: [efile@lvfamilylaw.com](mailto:efile@lvfamilylaw.com)  
Attorneys for Plaintiff, Maggie Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 29<sup>th</sup> day of July, 2020, I served by and through Wiz-Net electronic service, pursuant to Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Entry of Order Shortening Time (with the Order Shortening Time attached thereto), and Ex Parte Request for an Order Shortening Time to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By:   
Employee of Roberts Stoffel Family Law Group



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**OST**  
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
**ROBERTS STOFFEL FAMILY LAW GROUP**  
4411 South Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MAGGIE J. ROE (nka MAGGIE COX),  
Plaintiff,  
v.  
JASON J. ROE,  
Defendant.

Case No: D-11-450074-D  
Dept No: R

**ORDER SHORTENING TIME**

It appears to the satisfaction of this Court and good cause appearing  
therefore;

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1 IT IS HEREBY ORDERED that Plaintiff's request for an Order Shortening  
2 Time is hereby granted and the hearing on Plaintiff's Motion to Modify the Court's  
3 Orders, to Modify Physical Custody, for Counseling, for a Brief Focus Assessment,  
4 Removal from Social Media, for an Award of Attorney Fees and Costs and Related  
5 Relief, is hereby shortened to the 27 day of August, 2020, at  
6 10:00 a.m. ~~a.m./p.m.~~  
7

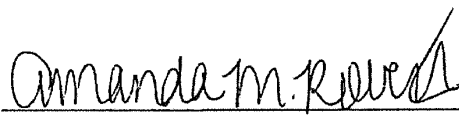
8  
9 IT IS SO ORDERED this 28 day of July, 2020.

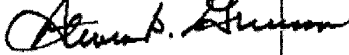
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12 District Court Judge  
13

14 Respectfully submitted this 27<sup>th</sup> day  
15 of July, 2020.

16 **ROBERTS STOFFEL FAMILY  
17 LAW GROUP**

18 By:   
19 Amanda M. Roberts, Esq.  
20 State Bar of Nevada No. 9294  
21 4411 S. Pecos Road  
22 Las Vegas, Nevada 89121  
23 PH: (702) 474-7007  
24 FAX: (702) 474-7477  
25 Email: efile@lvfamilylaw.com  
26 Attorneys for Plaintiff, Maggie Cox  
27  
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**EPAP**  
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
**ROBERTS STOFFEL FAMILY LAW GROUP**  
4411 South Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Roe

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MAGGIE J. ROE (nka MAGGIE COX),  
Plaintiff,  
v.  
JASON J. ROE,  
Defendant.

Case No: D-11-450074-D  
Dept No: R

**EX PARTE APPLICATION FOR  
AN ORDER SHORTENING TIME**

COMES NOW the Plaintiff, Maggie Cox, by and through her attorney of record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and hereby moves this Court for an Order Shortening Time on Plaintiff's Motion to Modify Court's Orders, to Modify Physical Custody, for Counseling, for a Brief Focus Assessment, Removal from Social Media, for an Award of Attorney Fees and Costs and Related Relief. This Application is based upon the Affidavit of

\\  
\\

1 Amanda M. Roberts, Esq. Moreover, this Application is made and based upon all  
2 the papers, pleadings and records on file herein, as well as the Points and  
3 Authorities attached hereto.  
4

5 DATED this 27<sup>th</sup> day of July, 2020.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7  
8 By: Amanda M. Roberts

9 Amanda M. Roberts, Esq.  
10 State of Nevada Bar No. 9294  
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14 FAX: (702) 474-7477  
15 EMAIL: efile@lvfamilylaw.com  
16 Attorneys for Defendant, Maggie Cox

17 **POINTS AND AUTHORITIES**

18 **I.**

19 **Points and Authority**

20 *EDCR* § 5.513 states, the request for an Order Shortening Time may be  
21 sought through *ex parte* means. The request must be accompanied by an Affidavit  
22 explaining the need for the request for an Order Shortening Time. The request for  
23 an Order Shortening Time can only be granted after the Motion has been served  
24 absent exigent circumstances; the Motion was served in this matter.

25 The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”),  
26 were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The  
27

1 Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born on November  
2 9, 2009. The Parties have joint legal and physical custody of Hunter pursuant to the  
3 Court’s Order.  
4

5 As set forth in Maggie’s Motion, there are errors in the Order from June 15,  
6 2017. Despite attempts with Jason’s Counsel and the Court to modify the Orders,  
7 without a Motion it could not be accomplished. As a result of these errors, the  
8 Parties having extreme difficulty in co-parenting the minor child. These errors need  
9 to be addressed by this Court and get corrected as soon as possible, to prevent  
10 further problems with co-parenting and the Parties relationship with the minor  
11 child.  
12

13  
14 Additionally, as outlined in Maggie’s Motion, Hunter needs therapy and  
15 intervention. Maggie alleges that Hunter has become triangulated into the parental  
16 conflict. As a result, Hunter’s relationship with Maggie is quickly deteriorating and  
17 immediate intervention is needed. Maggie basis this allegation on the following  
18 statements and behaviors Hunter has exhibited since Mother’s Day of 2020:  
19

- 20 • Hunter became aggressive with Maggie, punching her multiple times  
21 and locking himself in Maggie’s house. At the time, Maggie and  
22 Danika Cox (“Danika” which is Maggie’s daughter from another  
23 relationship) were locked outside the house by Hunter. The only way  
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Maggie could get him to open the door was a threat that she would call the police.

- Hunter kicked and punched Maggie (as well as his little sister, Danika, Maggie’s Mother “Peggy” and Maggie’s Father “Papa Tom”).
- Hunter has said, “I’m going to kill you.”
- Hunter has said, “You’re a bunch of liars and everybody knows it.”
- Hunter was also calling Maggie and Danika derogatory names.
- Hunter has said, “I hate this family.” Maggie believes this is a reference to Maggie, Danika and likely Maggie’s parents.
- When Maggie made a simple decision, Hunter said she was a “delusional lunatic.”
- Hunter and Danika had written a song for Maggie for Mother’s Day and rehearsed it, but never followed through saying that “Danika is too stupid to do anything.”
- Hunter repeatedly claims that Maggie never wanted him and he “hated” her and Danika.
- Hunter has said, “You never wanted me, you wanted a girl.” This is something that Hunter must have gotten from Jason or his wife because Maggie never said this to Hunter.
- Hunter has said, “You’ve lived a perfect life, treated like a princess.”

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- He has thrown a bag of trash on Maggie’s computer.
- When Hunter is asked to speak to people respectfully (by Maggie and/or her parents), Hunter responds with statement such as: “You haven’t earned my respect.” Maggie attempted to address Hunter’s behavior with Jason by sending him an email following the Mother’s Day incident and including a few examples of Hunter’s behavior. One of Jason’s responses was, “Hunter tells it like it is and that’s an admirable quality.” From Jason’s response and his own behavior, it is apparent Jason does not and will not facilitate a healthy relationship between Hunter and Maggie, and Jason is likely the source of these things Hunter is saying to Maggie.

**IV.**  
**Conclusion**

Based upon the foregoing, Maggie is requesting that the Court grant her request for an Order Shortening Time. Hunter needs immediate intervention and waiting four to six (4-6) weeks of a hearing and then another delay to get into an appointment with a therapist (if the request is granted by this Court) will only

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1 further impact Hunter's developmental and emotional needs. Therefore, immediate  
2 action is required and can only be accomplished through Court intervention.

3  
4 Dated this 27<sup>th</sup> day of July, 2020.

5 **ROBERTS STOFFEL FAMILY LAW GROUP**

6  
7 By: Amanda M. Roberts

8 Amanda M. Roberts, Esq.  
9 State Bar of Nevada No. 9294  
4411 S. Pecos Road  
10 Las Vegas, Nevada 89121  
11 PH: (702) 474-7007  
12 FAX: (702) 474-7477  
Attorneys for Plaintiff, Maggie Cox

13 **AFFIDAVIT OF AMANDA M. ROBERTS, ESQ.**

14 STATE OF NEVADA )  
15 ) ss  
16 County of Clark )

17 I, Amanda M. Roberts, Esq., the Plaintiff's attorney in the above referenced  
18 matter and I can attest to the below reference facts as being true and correct to the  
19 best my knowledge as represented by my client.

20  
21 1. The Parties to this action, Maggie Cox ("Maggie") and Jason Roe  
22 ("Jason"), were divorced pursuant to a Decree of Divorce filed on February 6,  
23 2013. The Parties have one (1) minor child, to wit: Hunter Roe ("Hunter"), born on  
24 November 9, 2009. The Parties have joint legal and physical custody of Hunter  
25 pursuant to the Court's Order.  
26

1           2.     As set forth in Maggie’s Motion, there are errors in the Order from  
2 June 15, 2017. Despite attempts with Jason’s Counsel and the Court to modify the  
3 Orders, without a Motion it could not be accomplished. As a result of these errors,  
4 the Parties having extreme difficulty in co-parenting the minor child. These errors  
5 need to be addressed by this Court and get corrected as soon as possible, to prevent  
6 further problems with co-parenting and the Parties relationship with the minor  
7 child.  
8

9  
10           3.     Additionally, as outlined in Maggie’s Motion, Hunter needs therapy  
11 and intervention. Maggie alleges that Hunter has become triangulated into the  
12 parental conflict. As a result, Hunter’s relationship with Maggie is quickly  
13 deteriorating and immediate intervention is needed. Maggie basis this allegation on  
14 the following statements and behaviors Hunter has exhibited since Mother’s Day of  
15 2020:  
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- 18           a) Hunter became aggressive with Maggie, punching her multiple times  
19           and locking himself in Maggie’s house. At the time, Maggie and  
20           Danika Cox (“Danika” which is Maggie’s daughter from another  
21           relationship) were locked outside the house by Hunter. The only way  
22           Maggie could get him to open the door was a threat that she would call  
23           the police.
- 24           b) Hunter kicked and punched Maggie (as well as his little sister, Danika,  
25           Maggie’s Mother “Peggy” and Maggie’s Father “Papa Tom”).
- 26           c) Hunter has said, “I’m going to kill you.”
- 27           d) Hunter has said, “You’re a bunch of liars and everybody knows it.”
- 28           e) Hunter was also calling Maggie and Danika derogatory names.
- f) Hunter has said, “I hate this family.” Maggie believes this is a  
          reference to Maggie, Danika and likely Maggie’s parents.

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- g) When Maggie made a simple decision, Hunter said she was a “delusional lunatic.”
- h) Hunter and Danika had written a song for Maggie for Mother’s Day and rehearsed it, but never followed through saying that “Danika is too stupid to do anything.”
- i) Hunter repeatedly claims that Maggie never wanted him and he “hated” her and Danika.
- j) Hunter has said, “You never wanted me, you wanted a girl.” This is something that Hunter must have gotten from Jason or his wife because Maggie never said this to Hunter.
- k) Hunter has said, “You’ve lived a perfect life, treated like a princess.”
- l) He has thrown a bag of trash on Maggie’s computer.
- m) When Hunter is asked to speak to people respectfully (by Maggie and/or her parents), Hunter responds with statement such as: “You haven’t earned my respect.” Maggie attempted to address Hunter’s behavior with Jason by sending him an email following the Mother’s Day incident and including a few examples of Hunter’s behavior. One of Jason’s responses was, “Hunter tells it like it is and that’s an admirable quality.” From Jason’s response and his own behavior, it is apparent Jason does not and will not facilitate a healthy relationship between Hunter and Maggie, and Jason is likely the source of these things Hunter is saying to Maggie.

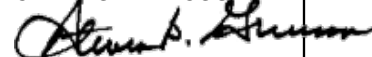
4. Maggie is requesting that the Court grant her request for an Order Shortening Time. Hunter needs immediate intervention and waiting four to six (4-6) weeks of a hearing and then another delay to get into an appointment with a therapist (if the request is granted by this Court) will only further impact Hunter’s developmental and emotional needs. Therefore, immediate action is required and can only be accomplished through Court intervention.

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1 **EPAP**  
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3 State of Nevada Bar No. 9294  
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8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Defendant, Maggie Roe

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

|  |  |
|--|--|
| <p>13 MAGGIE J. ROE (nka MAGGIE COX),</p> <p>14 Plaintiff,</p> <p>15 v.</p> <p>16 JASON J. ROE,</p> <p>17 Defendant.</p> | <p>Case No: D-11-450074-D</p> <p>Dept No: R</p> <p><b>SECOND EX PARTE</b></p> <p><b>APPLICATION FOR AN ORDER</b></p> <p><b>SHORTENING TIME</b></p> |
|--|--|

18 COMES NOW the Plaintiff, Maggie Cox, by and through her attorney of  
19 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and  
20 hereby moves this Court for an Order Shortening Time on Plaintiff's Motion to  
21 Modify Court's Orders, to Modify Physical Custody, for Counseling, for a Brief  
22 Focus Assessment, Removal from Social Media, for an Award of Attorney Fees  
23 and Costs and Related Relief. This Application is based upon the Affidavit of

24 \ \ \

25 \ \ \

1 Amanda M. Roberts, Esq. Moreover, this Application is made and based upon all  
2 the papers, pleadings and records on file herein, as well as the Points and  
3 Authorities attached hereto.  
4

5 DATED this 5<sup>th</sup> day of August, 2020.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7  
8 By: Amanda M. Roberts

9 Amanda M. Roberts, Esq.  
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16 Attorneys for Defendant, Maggie Cox

17 **POINTS AND AUTHORITIES**

18 **I.**  
19 **Points and Authority**

20 *EDCR* § 5.513 states, the request for an Order Shortening Time may be  
21 sought through *ex parte* means. The request must be accompanied by an Affidavit  
22 explaining the need for the request for an Order Shortening Time. The request for  
23 an Order Shortening Time can only be granted after the Motion has been served  
24 absent exigent circumstances; the Motion was served in this matter.

25 The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”),  
26 were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The

1 Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born on November  
2 9, 2009. The Parties have joint legal and physical custody of Hunter pursuant to the  
3 Court’s Order.  
4

5 On July 27, 2020, Maggie filed a Motion to Modify Court Order, to Modify  
6 Physical Custody, et. al. (“Motion”), and Exhibits. Said documents were  
7 electronically served upon Jason’s attorney. Those Exhibits included Declarations  
8 by Maggie’s family members regarding a firsthand account of Hunter’s changes in  
9 attitude and behavior.  
10

11 On or about August 3, 2020, Hunter was returned to Maggie’s care.  
12 Immediately upon being returned, Hunter engaged in physical violence and verbal  
13 abuse which was documented by video, including pushing and shoving Maggie and  
14 Maggie’s Mother, Peggy.<sup>1</sup> During the incidents and since being returned to  
15 Maggie, Hunter has claimed and is confirmed via video, that Jason gave him a copy  
16 of Maggie’s Motion and Exhibits to review and read. Hunter specifically  
17 referenced the Declarations of Maggie’s family members provided to the Court.<sup>2</sup>  
18  
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21 During his fit of rage, Hunter also stated to Maggie: “Well, you [Maggie]  
22 said, in the Family Court email “*Clint never abused me [Hunter] – Clint never even*  
23

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24 <sup>1</sup> A copy of the video is attached to Plaintiff’s First Supplemental Exhibits and being sent the  
25 Court via the emails to the Judge’s staff. It also being sent to Mr. Page via email through drop  
26 box because it cannot be electronically served efileing. The videos being provided are only a small  
27 amount of the videos taken and a snapshot of the child’s behavior.

28 <sup>2</sup> Hunter indicates in the videos that his Dad [Jason] let him read the documents because his Mom  
and Grandma said mean things about him.

1 *laid a hand on me [Hunter],*” but they [Jason and Alexandra] looked back and they  
2 found - they found some pictures. So. Ya, you’re A BIG FAT LIAR.” During this  
3 conversation, Hunter is yelling and pushing Maggie.  
4

5 During Hunter’s tirade, he has pushed both Maggie and Peggy, threw a water  
6 bottle at Maggie, threw a bag of trash at Peggy, and then stated, “*Really nice to*  
7 *read how you and aunt Mary hate me,*” and “*Yeah, I read the essay you wrote.*  
8 *Really nice. Like I’m a demon child.*” Moments later, Hunter said to Danika,  
9 “*Happy murder day. This is the day I murder you.*”  
10

11 There is no way that Hunter could have come into possession with the  
12 information contained in the Motion and Declarations without being given them by  
13 someone which Maggie believes is Jason. Jason is instigating these matters with  
14 Hunter, including damaging his mental well-being and facilitating Hunter’s  
15 behaviors against Maggie and Maggie’s side of the family, in an attempt to destroy  
16 Maggie and her position in this case. Jason is causing significant damage to  
17 Hunter!  
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20 This behavior violates *EDCR* § 5.301 which states,  
21

22 All lawyers and litigants possessing knowledge of  
23 matters being heard by the family division are prohibited  
24 from:

- 25 (a) Discussing issues, proceedings, pleadings, or papers  
26 on file with the court with any minor child;  
27 (b) Allowing any minor child to review any such  
28 proceedings, pleadings, or papers or the record of the

1 proceedings before the court, whether in the form of  
2 transcripts, audio or video recordings, or otherwise;  
3 (c) Leaving such materials in a place where it is likely or  
4 foreseeable that any minor child will access those  
5 materials; or  
6 (d) Knowingly permitting any other person to do any of  
7 the things enumerated in this rule, without the written  
8 consent of the parties or the permission of the court.

9 Not only has Hunter engaged in physical violence against Maggie, Hunter  
10 has also been physical with his Maternal Grandmother including punching her  
11 because she has been staying with Maggie. **Hunter is out of control, Maggie is**  
12 **fearful about calling the police and fearful that if the Court does not shorten**  
13 **the time to a hearing before August 27, 2020, at 10:00 a.m., Hunter will further**  
14 **be damaged by Jason's actions and behaviors. {EMPHASIS ADDED}**

15 **IV.**  
16 **Conclusion**

17 Based upon the foregoing, Maggie is requesting that the Court grant her  
18 request for an Order Shortening Time to a hearing sooner than August 27, 2020.

19 Dated this 5<sup>th</sup> day of August, 2020.

20 **ROBERTS STOFFEL FAMILY LAW GROUP**

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27 FAX: (702) 474-7477  
28 Attorneys for Defendant, Maggie Cox



1 by Maggie's family members regarding a firsthand account of Hunter's changes in  
2 attitude and behavior.

3  
4 4. On or about August 3, 2020, Hunter was returned to Maggie's care.  
5 Immediately upon being returned, Hunter engaged in physical violence and verbal  
6 abuse which was documented by video, including pushing and shoving Maggie and  
7 Maggie's Mother, Peggy. During the incidents and since being returned to Maggie,  
8 Hunter has claimed and is confirmed via video, that Jason gave him a copy of  
9 Maggie's Motion and Exhibits to review and read. Hunter specifically referenced  
10 the Declarations of Maggie's family members provided to the Court.  
11

12  
13 5. During his fit of rage, Hunter also stated to Maggie: "Well, you  
14 [Maggie] said, in the Family Court email "*Clint never abused me [Hunter] – Clint*  
15 *never even laid a hand on me [Hunter],*" but they [Jason and Alexandra] looked  
16 back and they found - they found some pictures. So. Ya, you're A BIG FAT  
17 LIAR." During this conversation, Hunter is yelling and pushing Maggie.  
18

19 6. During Hunter's tirade, he has pushed both Maggie and Peggy, threw a  
20 water bottle at Maggie, threw a bag of trash at Peggy, and then stated, "*Really nice*  
21 *to read how you and aunt Mary hate me,*" and "*Yeah, I read the essay you wrote.*  
22 *Really nice. Like I'm a demon child.*" Moments later, Hunter said to Danika,  
23 "*Happy murder day. This is the day I murder you.*"  
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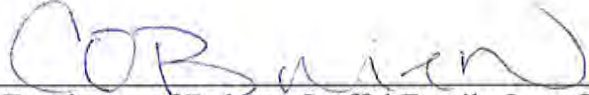



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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,  
and on the 5 day of August, 2020, I served by and through Wiz-Net electronic  
service, pursuant Clark County District Court Administrative Order 14-2 for service  
Of Documents Identified In Rule 9 Of The N.E.F.C.R., the foregoing Second Ex  
Parte Request for an Order Shortening Time, to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By:   
Employee of Roberts Stoffel Family Law Group



1 **OPPC**  
2 FRED PAGE, ESQ.  
3 NEVADA BAR NO. 6080  
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7 (702) 823-2888 office  
8 (702) 656-9820 fax  
9 Email: fpage@pagelawoffices.com  
10 Attorney for Defendant/Counterclaimant

11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **COUNTY OF CLARK**  
13 **STATE OF NEVADA**

14 MAGGIE J. ROE nka MAGGIE COX,

Case No.: D-11-450074-D

Dept. R

Plaintiff/Counterclaimant,

**Hearing Date: August 27, 2020**

vs.

**Hearing Time: 10:00 a.m.**

JASON J. ROE,

Defendant/Counterdefendant.


16 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO MODIFY**  
17 **COURT'S ORDERS, TO MODIFY PHYSICAL CUSTODY, FOR**  
18 **COUNSELING, FOR A BRIEF FOCUS ASSESSMENT, REMOVAL FROM**  
19 **SOCIAL MEDIA, FOR AN AWARD OF ATTORNEY'S FEES**  
20 **AND**  
21 **FOR RELATED RELIEF**  
22 **AND**  
23 **COUNTERMOTION**  
24 **FOR PRIMARY PHYSICAL CUSTODY, FOR A MODIFICATION OF**  
25 **CHILD SUPPORT, FOR A CHILD INTERVIEW OR IN THE**  
26 **ALTERNATIVE FOR A GUARDIAN AD LITEM,**  
27 **AND**  
28 **FOR ATTORNEY'S FEES**

Defendant, JASON J. ROE, by and through his counsel, Fred Page, Esq.  
hereby submits his Opposition to Plaintiff, MAGGIE COX'S, Motion to Modify

1 Court's Orders, to Modify Physical Custody, for Counseling, for a Brief Focus  
2 Assessment, Removal from Social Media, for an Award of Attorney's Fees and for  
3 Related Relief and submits his Countermotion for Primary Physical Custody, for a  
4 Modification of Child Support, for a Child Interview, or in the Alternative for the  
5 Appointment of a Guardian Ad Litem, and for Attorney's Fees. This Opposition  
6 and Countermotion is based upon the papers and pleadings on file, the attached  
7 Points and Authorities, and any oral argument that the Court may wish to entertain.  
8  
9

10 DATED this 20th day of August 2020

11 PAGE LAW FIRM

12  
13 

14 FRED PAGE, ESQ.  
15 Nevada Bar No. 6080  
16 6930 South Cimarron Road, Suite 140  
17 Las Vegas, Nevada 89113  
18 (702) 823-2888  
19 Attorney for Defendant  
20  
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**POINTS AND AUTHORITIES**

**I.**

**FACTUAL BACKGROUND**

**A. Introduction**

Defendant, JASON ROE (hereinafter "Jason") and MAGGIE COX (hereinafter "Maggie") have one minor child, the issue of their marriage to wit: Hunter Thomas Roe (hereinafter "Hunter") born November 9, 2009 (age 10 ¾).

Jason has two children by a prior marriage, Taylor John Roe, born April 9, 2002, (age 18) and Tori Ann Roe, born March 27, 2005 (age 15). Jason has an ideal relationship with his former spouse, Marianne, and there no issues of any kind between them.<sup>1</sup> Jason is remarried to Alexandra Roe for a number of years now.

Maggie has one child by a subsequent relationship, Danika Cox. The father of Danika is Clint Cox. Maggie is divorced from Clint. Maggie's divorce from Clint is a very high conflict case with many many court appearances.<sup>2</sup>

The Court may recall that Maggie had to return to California after she absconded with Hunter at the beginning of the divorce case.<sup>3</sup> Maggie made so

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<sup>1</sup> Marianne has been present to testify on Jason's behalf at a couple of the evidentiary hearings that have been held in this matter over the years.

<sup>2</sup> The *only* time Jason's case with his first wife, Marianne, was high conflict was when Jason was married to Maggie. During the marriage, Maggie created false allegations of sexual abuse and Jason was in court repeatedly solely because of Maggie. *Immediately* after Maggie left, *all* conflict ceased and Jason was never in court again.

1 many calls to Child Protective Services that it was ordered that she could not make  
2 another call to Child Protective Services unless she first received approval from  
3 her attorney to do so.<sup>4</sup> Maggie also submitted a false complaint to Metro.  
4

5 The Court may recall that Jason's children, Taylor and Tori, spontaneously  
6 celebrated the fact that Maggie was no longer living with them. Now that Taylor is  
7 18 years of age and is emancipated, he can and will testify to that fact should  
8 anyone attempt to question Jason's veracity regarding their celebration.<sup>5</sup>  
9 Apparently, Taylor was physically abused by Maggie during her marriage to Jason  
10 as well. Maggie has also has made at least two applications for TPO's in Nevada  
11 that have been denied.<sup>6</sup>  
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18 <sup>3</sup> Prior to the marriage, and after Maggie's first divorce, she was involuntarily  
19 committed to a mental institution.

20 <sup>4</sup> Maggie used inspect Hunter after each custody exchange to take photographs of  
21 Hunter to see if there were any bruises and then would attach those photographs as  
22 Exhibits to the motions she would serially file. Maggie would also serially make  
23 complaints that Hunter was returned with a "fever" after each custody exchange.

24 Maggie also would serially take Hunter to the emergency room desperately looking  
25 for some abuse.

26 <sup>5</sup> Taylor had an escape plan complete with ropes when Maggie was constantly  
27 calling CPS.

28 <sup>6</sup> The number of TPO applications that Maggie has made in California, where she  
is from, is unknown.

1 After the Decree was entered, Maggie tried to claim that Taylor was sexually  
2 molesting Hunter. The Court may recall that Maggie tried to kidnap Hunter out of  
3 the classroom in January 2017, which caused his school to put on lockdown and  
4 the Henderson police called. Maggie's out of control actions caused a tremendous  
5 emotional consternation to students, parents, and staff.  
6

7  
8 The Court may also recall that Maggie was trespassed twice from Green  
9 Valley Christian School due to her inability to conduct herself in a proper manner.<sup>7</sup>  
10 After the second time Maggie was trespassed from the school, Hunter had to be  
11 removed from Green Valley Christian School because Maggie was no longer  
12 allowed to set foot on the campus.<sup>8</sup>  
13

14  
15 At the last evidentiary hearing one of the teachers and the principal were  
16 outside waiting to testify against Maggie because of the way she conducted herself  
17 in public which resulted in her being trespassed from the school and Hunter having  
18 to find a different school to attend as a result.  
19

20 All custody exchanges *still* have to be conducted in a public setting due to the  
21 exaggerated drama from Maggie. Upon information and belief, Maggie's custody  
22

23  
24 <sup>7</sup> The first time Maggie was trespassed from Green Valley Christian School, this  
25 Court made a phone call in open court to the principal and during that phone call  
26 the Court was able to get the principal to rescind Maggie being trespassed from the  
27 school and give Maggie another chance.

28 <sup>8</sup> And, to add insult to injury Jason still had to pay for the tuition Hunter had to be  
removed from the school because of *Maggie's* conduct.

1 exchanges with Danika and Clint also have to be conducted in a public setting as  
2 well due to her inability limit her behavior to that of accepted public norms.

3 Hunter is old beyond his years and has a heart of gold. Jason reports that  
4 Hunter will save up money he receives from Christmas and his birthday to donate  
5 part of it to children who have cancer. Jason advises that Hunter, on his own, has  
6 raised almost \$7,000 for children with cancer.<sup>9</sup> Hunter saw fellow student try and  
7 sneak a knife into school and reported to the teachers. Jason is a soccer coach for  
8 Hunter's team. Jason advises that Hunter has never received a red card or a yellow  
9 card, because that is just how he plays.<sup>10</sup>

10 Despite the conflict created by Maggie, the parties, since the inception of  
11 this case, have shared joint legal and joint physical custody.

12  
13  
14  
15  
16 **B. Relevant Factual and Procedural History**

17 On June 15, 2017, the evidentiary hearing regarding custody was held. The  
18 Court ordered that joint physical custody continue. Alexandra was permitted to  
19 continue to assist in custody exchanges, and the Holiday Visitation Schedule  
20 currently in place remain in place. Alexandra and Marianne were not permitted to  
21  
22  
23  
24

25  
26 <sup>9</sup> Attached as Exhibit A is a letter from St. Baldrick's dated May 8, 2020,  
27 commending Hunter for his efforts in combating childhood cancer.

28 <sup>10</sup> Hunter can only participate in soccer during Jason's time as Maggie refuses to  
take Hunter to soccer or let Hunter participate in soccer during her time.

1 be present at Hunter's school or during extracurricular activities during Maggie's  
2 timeshare.

3 On August 7, 2017, the Order was filed wherein Hunter was ordered to  
4 attend Marzano Academy after Hunter had been expelled from Green Valley  
5 Christian School due to Maggie's conduct there and subsequently be told that she  
6 could never set foot on the campus again.  
7

8  
9 On November 21, 2017, the Order from the June 15, hearing was filed.  
10 Maggie refused to allow her counsel to sign the Order even though the Order  
11 tracked the Minutes almost word for word.  
12

13 On February 12, 2018, Maggie filed a frivolous *Ex Parte* Application to  
14 "confirm that both parents may be present the child's upcoming surgery" and to get  
15 an order preventing Alexandra from being present at any medical appointments.  
16 The *Ex Parte* Application was rightly ignored by this Court.  
17

18  
19 **II.**  
20 **OPPOSITION**

21 **A. Maggie's Misstatements Should be Addressed**

22 As is her standard operating procedure, Maggie engages in material  
23 misstatements of fact and histrionics in an effort to try and distract this Court and  
24 have the matter be heard on something other than its merits. Jason will attempt to  
25 address the significant of Maggie's misstatements below. She has conflict with  
26  
27  
28

1 everyone<sup>11</sup> to the point she has been trespassed *twice* from a Christian school and  
2 can *never* set foot in a Christian school ever again.

### 3 **Holiday Schedule**

4  
5 Maggie complains about the holiday schedule and that it should be  
6 “corrected.” Mot. at page 5, line 9, through page 6, line 19. The holiday schedule  
7 was modified with Nicholas Ponzio. In *that* schedule Jason’s and Maggie’s  
8 birthdays were agreed on with additional terms that if Jason’s birthday fell during  
9 Spring Break on Maggie’s year, he would forgo his birthday.  
10

11  
12 Per Maggie’s email on April 13, 2020, she now states that her and Jason do  
13 not have a holiday schedule and she refused bring Hunter to Jason’s birthday  
14 exchange on April 14, depriving Jason of his time with Hunter on his birthday.  
15

16 There were no exchanges in 2018 or 2019 due to Jason’s birthday falling  
17 during his custodial week. Maggie has Hunter every year for her birthday even if  
18 it was not ordered because that is typically when she takes summer vacation.  
19

20 Maggie’s conduct regarding Hunter’s birthday yet another example of how  
21 she tries to alienate Hunter. Jason showed up to the exchange location and Metro  
22 was called to verify she failed to show up.  
23

24  
25 Metro made phone contact with Maggie who said she would be bring Hunter  
26 because there “wasn’t an agreement.” Maggie also stated in an email that “due to  
27

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28 <sup>11</sup> Jason, on the other hand, was able to celebrate Mother’s Day with Alexandra, his  
wife, and Marianne, his first ex-wife.

1 the current world crisis with the corona pandemic I do not believe an exchange for  
2 one day is advisable. Hunter is safe, healthy, and working on reading, math, and  
3 science. He is getting plenty of outdoor exercise and taking your phone calls.”  
4

5 Covid-19 has not been a valid reason to withhold a custody exchange.  
6 Officers reviewed the minutes, decree, and emails from back and forth with Mr.  
7 Ponzio where Maggie agreed to the schedule. The event# for this incident is  
8 LLV200400064546 completed by Officer Nunez P#18175 red card provided.  
9

10 Per the standard Department R holiday schedule, Mother’s Day and Father’s  
11 Day are individual holidays. There was an agreement with Mr. Ponzio that these  
12 holidays would be 3 days weekends per Maggie’s request. Jason did not originally  
13 agree to the 3 days weekend, but after negotiations back and forth finally agreed.  
14  
15

16 Emails show where Maggie tells Mr. Ponzio that “we have been able to agree  
17 on a schedule” on May 19, 2017. This is the schedule that Mr. Ponzio said was  
18 agreed on when he took the stand on June 15, 2017, hearing.  
19

## 20 Rodeo

21 Maggie claims that Jason travels “around the country” as a trainer for a  
22 rodeo. Mot. at page 6, lines 22-24. Jason does not travel with Justin Boots Sports  
23 Medicine team. Included is a letter from Mike Rich the Executive Director of  
24  
25  
26  
27  
28

1 JBSMT confirming that Jason does not travel with the team and is not a payroll  
2 employee.<sup>12</sup>

3 **“Anger Issues”**  
4

5 Maggie claims that Hunter has had anger issues for years. Mot. at page 7,  
6 line 8, through page 8, line 11. Maggie wanted Hunter to sing a song to her that  
7 was in fact written by her about her for Mother’s Day and then complains that  
8 Hunter called her a “delusional lunatic” when she wanted Hunter to sing the she  
9 had written about herself.<sup>13</sup> Maggie complaint should expire of its own self-  
10 inflicted wounds.  
11  
12

13 Notwithstanding the fact that Maggie would complain about something that  
14 is so creepy, there is no objective evidence that Hunter has any “anger issues.” As  
15 indicated above, Hunter is a child with a heart of gold donating his Christmas and  
16 birthday money to children with cancer.  
17  
18

19 Maggie claims that that Hunter punched her several times and locked her  
20 and Danika outside of the house. Mot. at page 8, lines 14-18. There is no  
21 corroborating evidence for such a statement. And, Maggie claiming, again, that “it  
22  
23  
24

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25 <sup>12</sup> A copy of the correspondence is attached for the Court’s convenience as Exhibit  
26 B.

27 <sup>13</sup> Any and every 11-year old boy would be mortified by such a request. The lyrics  
28 have been reviewed. Every boy would be embarrassed. Maggie’s lack of insight  
and lack of connection to reality is remarkable.

1 is because I say it is,” is circular reasoning that fails to meet any cogent level of  
2 legal proof. In addition, if true, then there is a basis to conclude that Hunter is  
3 failing to thrive in her care and Maggie’s time with Hunter should be reduced. It  
4 appears, Maggie, not Jason, needs counseling to repair her relationship with  
5 Hunter.<sup>14</sup>  
6

7  
8 Jason never has any issues with Hunter. As stated, Hunter is a happy and  
9 contented child with him. When it is Jason’s custody time, Hunter runs to him.  
10 When Hunter has to return to Maggie, he goes to Maggie only reluctantly, and in  
11 some sense has to be dragged back to her for her time.  
12

13 **Bar**  
14

15 Maggie states that Hunter was left alone in Elk River to run the town while  
16 Jason was at the bar. Mot. at page 8, line 19, through page 9, line 3. The claim is  
17 false. Hunter was with Alexandra visiting spots around the town when. The owner  
18 of Tom’s Tavern was shorthanded and ask if Jason could help out for an hour  
19 before her other bartender showed up.  
20  
21

22 Pictures were taken by another patron at the bar as a joke and sent to  
23 Alexandra. Maggie’s “complaint” is Maggie trying to control something that she  
24 cannot. Maggie has left Hunter with many people over the years while she has had  
25  
26

27  
28 <sup>14</sup> As stated, Maggie has conflict with **everyone**, yet Maggie is never the one at  
fault for *her* behavior, everyone else is always at fault, even though she is the *only*  
one who has conflict.

1 to “work” including students of hers. Hunter was not in danger, he was supervised,  
2 and he was perfectly safe in a small town.

### 3 **Assault Rifle**

4  
5 Maggie states that there was a post with Hunter holding an assault rifle. Mot.  
6 at page 9, lines 14-15. If Maggie did her research, or knew anything about guns  
7 she would know that an AR-15 is NOT an assault rifle, AR stands for Armalite  
8 rifle, 15 is the model giving the name of the gun AR-15 which is a semi-automatic  
9 gun.<sup>15</sup>  
10

### 11 **Elk River**

12  
13 Maggie claims that Jason “denied” her phone contact when Jason and  
14 Hunter traveled to Montana and Idaho over his 2-week vacation with Jason. Mot.  
15 at page 9, lines 3-9. The claim is false and was knowingly false when made.  
16 Hunter visited family in Montana and talked to Maggie nightly. Phone records will  
17 show that calls were returned within 24 hours.  
18

19  
20 In addition to that Hunter has a cell phone and sent Maggie multiple text  
21 while he was gone on vacation. Screenshots can be provided. Maggie is lying. Elk  
22

23  
24 <sup>15</sup> It is lawful for a child to shoot a gun with someone over the age of 21 in a  
25 supervised environment with proper safety gear all of which Hunter was  
26 practicing. In fact, Hunter has completed his Hunters Safety Course which also  
27 included gun safety. Jason and Alexandra recommend that maybe Maggie should  
28 stay off their social media pages if she does not like what she sees and stop  
stalking Jason. The Second Amendment to the United States Constitution is also  
applicable.

1 River does not have cell services with AT&T, so Jason purchased a Wi-Fi package  
2 at the hotel they stayed at.

3 Hunter again texted Maggie from his cell phone informing her that he did  
4 not have cell service, but had Wi-Fi to text and informed her that Jason told him to  
5 text her to let her know. Though this was not a phone call, Maggie did have text  
6 communication with Hunter. Maggie states in her motion that there was not Wi-Fi  
7 which is a blatant lie.<sup>16</sup> See NRCP 11, EDCR 7.60.

#### 10 **Hunter's Alleged Statements to Maggie**

11 Maggie alleges that Hunter has made negative statements toward her. Mot.  
12 page 9, line 17, through page 10, line 11, line 15. It is unknown whether Hunter  
13 ever made such statements since she fails to provide any substantiation. See NRCP  
14 11. As to Clint, it appears that Hunter was physically abused by him and Maggie  
15 stood by and did nothing. If true, there should be little wonder why Hunter might  
16 have some resentment toward her.

17 In addition to the complete lack of any substantiation, making utterly useless  
18 as evidence, Maggie attempts to blame Jason rather than engage in some  
19 introspection that if in fact Hunter is unhappy with her that *she* might be the one  
20 responsible for his unhappiness, *not* anyone else.

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22  
23  
24  
25  
26  
27 <sup>16</sup> The text messages will show the conversation between Hunter and Maggie. It  
28 should also be noted that one can make social media posts without cell service via  
Wi-Fi.

1 Jason advises that Hunter is very happy at his house and the behavior that  
2 Maggie alleges in no way occurs at his house. It appears that the source of  
3 Maggie's complaints, if they might possibly be true, and Maggie and only  
4 Maggie.<sup>17</sup>

### 6 **Hunter's Alleged Conduct Toward Danika**

7  
8 Maggie and her family are basically claiming domestic violence against  
9 Hunter. Mot. at page 10, lines 1-21; page 11, line 1, through 12, line 5. If  
10 accurate, Hunter needs to be removed from Maggie.

11  
12 The abusive behavior Maggie is claiming is not something that Jason,  
13 Alexandra, Hunter's siblings, Taylor and Tori, his friends, his teachers or anyone  
14 else for that matter have experienced. Jason advises Hunter is a very well  
15 mannered, happy and engaged child when he is with him. Hunter is always the  
16 first one to help out and Jason has been commended many times about how  
17 respectful, giving and selfless of a child he is. Jason reports though that Hunter has  
18 expressed to him how unhappy he was at his Maggie's house. The only person  
19  
20  
21  
22  
23  
24

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25 <sup>17</sup> Hunter is nearing 11 years of age and has been the center of a high conflict  
26 custody battle for years. Maggie has done everything in her power to try and  
27 alienate Hunter from his father, stepmom and siblings – and she has failed  
28 completely. Maggie also apparently believes that Jason and Alexandra discuss her  
and that she is somehow the center of their universe. She is not. Life is happy and  
peaceful without Maggie. Therefore, unpleasant subjects are never raised.

1 who reports this behavior from Hunter is Maggie. Therefore, Maggie is the cause  
2 of the problem.<sup>18</sup>

### 3 **Maggie's Complaints About Alexandra and Marianne**

4  
5 As stated, Maggie has conflict with everyone,<sup>19</sup> but it is *never* her fault.  
6 Now Maggie has renewed her conflict Marianne too. Alexandra and Marianne can  
7 get along with each other, but Maggie is unable to peaceful relations with anyone.  
8 Maggie complains that Alexandra and Marianne might actually be at Hunter's  
9  
10  
11  
12

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13  
14 <sup>18</sup> A glaring example is on the morning of May 16th Jason sent Maggie a text  
15 asking her if she would let Hunter FaceTime with his dog who was going to be put  
16 down that morning. Previously Hunter had asked Jason to try and wait until he was  
17 there when it came down to having to put Zoey down, but not to make her suffer  
18 and understood it was something that may happen when he was with Maggie.

19 Hunter was allowed to FaceTime, but Maggie would not allow him hold the phone,  
20 and Hunter was crying and upset about the situation. Maggie kept telling Hunter  
21 want to say during the call. Jason ended up disconnecting the call as Zoey passed  
22 at home while Hunter was on FaceTime trying to say goodbye to the dog that has  
23 been in his life since he was 2.

24 When Hunter was picked up on May 18, he expressed how upset he was with  
25 Maggie after the call. Hunter stated to Jason, soon as the call ended Maggie said  
26 "Nothing but drama, it wasn't even your dog, it was Alexandra's." Zoey has been a  
27 part of Hunters life since he was 2, it was the family's dog. Hunter loved Zoey.  
28 Maggie's comments showed remarkable lack of insight and were cruel.

<sup>19</sup> The list of people of with whom Maggie is unable to have peaceful relations  
with includes, but is not limited to, Jason, Taylor, Tori, Jason's mother, Alexandra,  
Marianne, the teachers and principal at Green Valley Christian School, and her ex-  
husband, Clint.

1 school, even during Jason's custodial time. Mot. at page 12, line 11, through page  
2 13, line 8.

3  
4 There is no prohibition from Alexandra being present during Jason's  
5 custodial time.<sup>20</sup> Alexandra and Jason were chaperones on a field trip for Hunter's  
6 class in 3rd grade, this fell during Jason's time and is allowed. Alexandra does not  
7 attend school events that fall during Maggie's custodial time. As to Hunter's  
8 sporting events, *i.e.* soccer, however, since June 2017, through to the present,  
9 Maggie refuses to bring Hunter to any game that falls during her custodial time so  
10 it is very unclear as to what she is complaining about.  
11  
12

13 Hunter has expressed to Maggie that he wants to go to his games, her  
14 response to him is typically "we will see or we have plans." When Hunter returns  
15 to Jason, he will tell him that they did not have any plans they just stayed home or  
16 he was left with a babysitter because Maggie had something for work.<sup>21</sup>  
17  
18  
19  
20

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21 <sup>20</sup> Attached as Exhibit C is a family update letter that Maggie wrote in 2008 to send  
22 out to friends and family. Maggie shares about how to participate in her  
23 stepchildren's life as a mother including going to Mother's Day events at school.  
24 This shows that it was okay for Maggie to be and act in the same role as Alexandra  
25 – except when it does not further her agenda.

26 Maggie gets upset when Hunter sometimes as "mom." Maggie used to *force*  
27 Taylor and Tori to call her "mom" and apparently sees no contradiction in that.  
28 Pot meet kettle. Maggie should have zero credibility.

<sup>21</sup> Again this is another example of Maggie not caring about Hunter and what is  
best for Hunter, but her hate for Jason and Alexandra. Mr. Ponzo testified on the

1                   **Coronavirus**

2                   Maggie complains about masks and preventative measures. Mot. at page 13,  
3 line 9, through page 17, line 14. The death rate for 11-year old children is less than  
4 one tenth of one percent. It is literally less than negligible.<sup>22</sup>

5  
6                   Idaho and Montana are not mandated to wear mask. Hunter wore a mask  
7 when needed. What is more troubling mental issues from Maggie is suffering in  
8 the extent to which she stalks Jason and Alexandra on social media.

9  
10                   Because Maggie wants to only go off of what she sees when she stalks  
11 Alexandra and Jason's social media does not mean she is providing facts to the  
12 Court. Ravalli County, which is where Victor, Montana is located has only had 74  
13 confirmed cases and 1 death, and none of these cases are in Victor.

14  
15  
16                   Elk River is in Clearwater County, Idaho. The county has had 15 cases, zero  
17 deaths and these cases have not been in Elk River. Furthermore, Elk River does  
18 not have any confirmed cases.

19  
20                   Maggie states that Elk River had a Covid outbreak during the time of their  
21 visit over 4th of July. This is in fact false and was knowingly false when made.  
22 Atascadero, California, where Maggie vacationed with Hunter, has had 1,902 case

23  
24  
25  
26                   witness stand that he did not agree with this temporary order, it was not healthy for  
27 Hunter to see his stepmom in one aspect of his life, but not another.

28                   <sup>22</sup> The hope is that Hunter is will contract the virus and then he will pass it on to  
Maggie.

1 to date with 16 deaths. Pictures show that Hunter was not wearing a mask.  
2 Pictures also show Maggie sitting with her sister with a mask on but not sitting 6  
3 feet apart. A July 22, post shows Maggie and Danika without a mask and taking  
4 selfies.  
5

6 Maggie complains that Hunter does not want to use a nebulizer and that  
7 Hunter's refusal is somehow Jason's fault. Mot. at page 13, line 23, through page  
8 14, line 19. How Hunter knowing he does not need a nebulizer is Jason's fault is  
9 unclear. Hunter is becoming older and is asserting his independence – as he  
10 should. How expressing independence is a need for counseling is unclear.  
11

### 13 **Counseling**

14  
15 Maggie complains that Hunter's behavior is "not normal" and wants Hunter  
16 to engage in counseling. Mot. at page 15, line 13, through page 16, line 14. Jason  
17 does not need to repair his relationship with Hunter. He reports no problems when  
18 Hunter is with him. Hunter is a happy, contented child when he is with him.  
19

20 Maggie is in the process of destroying her relationship with Hunter and  
21 Hunter's reported attitude toward Maggie is the natural outcome of her psychotic  
22 behavior and thought processes. None of this should be surprising.  
23

24  
25 Jason suggested to Maggie a trial of Hunter staying with him for a few  
26 weeks to get a break from whatever is going on in that house, giving him a break  
27 from what he is dealing with there. Jason advised to Maggie that if the behavior at  
28

1 her house continues, because it does not occur at his house, then the first step  
2 would be to have him talk to a counselor of their joint choosing.<sup>23</sup>

3 Jason told Maggie that Hunter can express his feelings and what is really  
4 going on at her house, or if he stated to see this behavior from Hunter he would be  
5 on board for anything to correct it. Maggie willfully withheld that email  
6 communication in her exhibits in an attempt to mislead this Court.  
7

8  
9 As of August 5, Maggie has not emailed Jason about any additional behavior  
10 problems, she has not sent video proof, or pictures of this accused behavior. How  
11 is Jason supposed to move forward with starting therapy for Hunter when Maggie,  
12 after almost 3 months of silence, demands that therapy is needed. As to the  
13 therapist Maggie histrionically references from stalking Alexandra's Facebook  
14 page is an *occupational therapist* and is therefore irrelevant.<sup>24</sup>  
15  
16

17  
18 If the Court concludes that therapy is warranted, both parties, as joint legal  
19 custodians will select the therapist.

### 20 **Discussion of the Case with Hunter**

21  
22 Maggie claims that the case is being discussed with Hunter. Mot. at page  
23 17, line 16, through page 18, line 10. The claim is false.  
24

---

25  
26 <sup>23</sup> All Maggie wants to do is bash Jason and Alexandra, when quite frankly it  
27 seems as if she is the real problem.

28 <sup>24</sup> Maggie's behavior of stalking Jason's and Alexandra's Facebook pages and  
investigating all of their friends should give *everyone* pause as to her mental state,  
especially her attorney. Good grief.

1 As much as Maggie would like to believe, she is not the center of Jason and  
2 Alexandra's world, she is not the talked about. Jason prefers not to even hear her  
3 name. The last thing anyone wants to do is sit around and bad mouth Maggie to  
4 Hunter. Maggie does nothing but create conflict with the rest of the world.  
5

6 Hunter is been at the center of this for 9 years, he is not a stupid kid, he is  
7 advanced for his age, smarter than most, and very observant to what goes on.  
8 Hunter has been exchanged in police stations, had police supervised exchanges, is  
9 still exchanged in a McDonald's parking lot with his mother dramatically video  
10 recording everything, his mother calling the police for back up, his mother made  
11 scenes at his school, and he been kicked out of school because of his mother.  
12  
13

14 Does anyone really think he is not in touch with how high conflict his case  
15 is? Hunter misses out on *50% of sports* because Maggie refuses to allow him to  
16 participate. Hunter has a cell phone, Maggie allowed him to take it once, then took  
17 it away from him and told him if he ever brought it back to her house he would  
18 never see it again.  
19  
20  
21

22 Hunter indicates that he asks Maggie if his dad has called and Maggie will  
23 tell him "no he hasn't called." Jason has to email Maggie 2-4 times a week to  
24 return calls that are not returned within 24 hours.  
25

26 Hunter has full access to talk to Maggie on his cell phone. Hunter has texted  
27 her on his own on holidays, to remind her of science fairs at school when he is with  
28 Jason. Maggie will not allow privacy in phone calls because per Hunter she still

1 holds the phone, she puts calls on speaker and as soon as she feels the call should  
2 be finished or hears something she does not like she immediately disconnects the  
3 call.  
4

5 The examples are a small sampling of Maggie's high conflict behaviors to  
6 which Hunter is exposed. Jason provides a much calmer and peaceful  
7 environment. Hunter is finally at the age where he is going to express himself.  
8

### 9 **Child Support and Taxes**

10 Because of Covid, Jason lost his job and was unemployed for a time. There  
11 are currently no physical therapist jobs available. Jason has gone back to what he  
12 did 10 years ago, heavy equipment sales. Because there was no employment,  
13 Jason was unable to pay child support. Alexandra had to shoulder the other  
14 household expenses such as food, mortgage, and utilities.  
15

16 Jason has paid \$500 in child support about which Maggie complains. Jason  
17 was just notified that they were not taking it out of his unemployment yet. Jason  
18 was able to obtain employment at Ahern Rentals. Jason is making \$14 per hour.  
19 Child support will need to be reevaluated as of the date Maggie filed her Motion.  
20  
21

22 Jason advises that he did not take the tax dependency exemption for 2018.  
23 He has no idea what Maggie is talking about. Maggie is required to provide  
24 documentation from the IRS that she was not permitted to take the tax dependency  
25 exemption for 2018. One can be *100 percent sure* that if Jason had taken the tax  
26  
27  
28

1 dependency exemption for 2018 that Maggie would have *immediately* filed a  
2 Motion with the Court.

3 As to unreimbursed medical expenses, Jason has those as well. It is unclear  
4 why Maggie would even take the time to mention a \$15 copay. Hunter has  
5 insurance coverage through Alexandra and has for years. Jason forgot to inform  
6 Maggie that his insurance was no longer active, as there was a lot of added stress  
7 of being laid off due to Covid, dealing with unemployment benefit claims, and  
8 other issues that come with being unemployed during a Covid lockdown.  
9 Anything that Maggie had to pay out of pocket will be reimbursed once she  
10 submits a claim to Alexandra's insurance.  
11  
12  
13  
14

15 **B. Maggie's Motion to Modify the Court's Orders Should be Denied**

16 Maggie alleges that the Order from the July 15, 2017, evidentiary hearing  
17 was "fraught" with errors. The claim is false and was knowingly false when made.  
18 Maggie is invited to compare the Order with the Minutes. The Order matches the  
19 Minutes. At worst, Marianne's name is spelled incorrectly. The parties, through  
20 Mr. Ponzo, came up with a new holiday/vacation visitation schedule.  
21  
22

23 Jason does not agree the language for the Behavioral Order. Jason does not  
24 agree to the new joint legal custody language. The Decree contains the definition  
25 of joint legal custody and that definition has never been appealed. The definition is  
26 *res judicata* and Maggie fails to present any adequate cause for changing the  
27 language.  
28

1 None of the other "orders" exist from the hearing because there is no video  
2 cite. If the parties came to an agreement with Mr. Ponzo regarding holidays and  
3 vacations, then the parties can submit their own separate Stipulation and Order.  
4 Jason recommends that Court's standard schedule. Trying to throw in orders never  
5 made by the Court fails to make the Order that was submitted that matches the  
6 Minutes "fraught with errors."  
7

8  
9 Maggie's request should be denied and Jason should be awarded the  
10 attorney's fees he has incurred in having to respond.  
11

12 **C. An Analysis of the Factors Also Shows That Maggie's Request to**  
13 **Change Custody Should be Denied**

14 NRS 125C.0035 states in pertinent part,

15 The court shall award custody in the following order of preference  
16 unless in a particular case the best interest of the child requires  
17 otherwise:

- 18 (a) . . . If the court does not enter an order awarding joint custody  
19 of a child after either parent has applied for joint custody, the  
20 court shall state in its decision the reason for its denial of the  
21 parent's application.

22 An analysis of the factors is as follows:

- 23 a. **The wishes of the child if the child is of sufficient age and**  
24 **capacity to form an intelligent preference as to his or her physical**  
25 **custody**

26 Hunter will be 11 years of age in November. If asked, it is certain that  
27 Hunter would prefer to remain in Jason's care as Jason provides a loving, calm,  
28

1 and stable environment and Maggie fails to do so with her constant creation of  
2 conflict.

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

4 Not applicable

5  
6 **c. Which parent is more likely to allow frequent associations and a**  
7 **continuing relationship with the noncustodial parent**

8 This factor should not even be close. Maggie contacted CPS so many times  
9 in an attempt to create a case against Jason that she was prohibited from making a  
10 complaint to CPS unless she first received approval from her attorney. Hunter is  
11 not allowed by Maggie to bring the cell phone Jason purchased to her house. If  
12 Hunter ever does, Hunter has been told by Maggie that will never see that phone  
13 again.  
14

15  
16  
17 Jason has an extraordinarily difficult time in getting to have telephone  
18 contact with Hunter is at Maggie's house. Maggie pours over the Facebook  
19 postings of Jason and Alexandra in the hopes that she can find something that  
20 might justify a custody exchange.  
21

22 Jason cannot even have time with Hunter for his own birthday. Jason made  
23 the request to Maggie and she ignored him. Jason made the request through his  
24 counsel, and Maggie's counsel ignored him. There was no good reason for Jason  
25 not have Hunter on his birthday, but for the fact that Maggie refuses to facilitate a  
26 relationship.  
27  
28

1 Maggie is so opposed to any relationship between Jason and Hunter she will  
2 not even bring Hunter to sporting events if those sporting events happened to fall  
3 on Jason's time. Maggie's claim that Jason will not facilitate telephone contact  
4 when he is on vacation with Hunter is baseless as demonstrated above.  
5

6 **d. The level of conflict between the parents**  
7

8 The level of conflict is substantial due to the challenges Maggie faces with  
9 her mental health issues and her need to create conflict and drama with everything  
10 and everyone. The conflict is such that there has to be a parenting coordinator,  
11 exchanges have to be in public, and Maggie has to obsessively monitor Jason's and  
12 Alexandra's social media posts, to name a few.  
13

14 Jason would prefer to have a peaceful co-existence as he has with Marianne.  
15 This factor favors Jason.  
16

17 **e. The ability of the parents to cooperate to meet the needs of the**  
18 **child**  
19

20 There is no ability to cooperate solely to due Maggie. A school cannot be  
21 chosen after Hunter gets expelled due to Maggie's conduct, a visitation schedule  
22 cannot be agreed to, a holiday schedule cannot be agreed to, medical care cannot  
23 be agreed to, and therapy cannot be agreed, etc. Maggie has the same problems  
24 with Clint. Jason has no problems whatsoever or any kind with Marianne. This  
25 factor favors Jason.  
26  
27  
28

1           **f.     The mental and physical health of the parents**

2           Jason is physically and mentally healthy. Maggie is likely physically  
3 healthy. The state of Maggie's mental health is another issue. Maggie's conflict  
4 with everyone and everything is likely in the higher range as any court wants to  
5 see. Maggie's conflict with Jason, with Clint, with Alexandra, with Marianne,  
6 with Taylor, with Tori, with Green Valley Christian Academy, her stalking of  
7 Jason and Alexandra, and now her conflict with Hunter is indicative of some  
8 deeper mental health issues ongoing with her.  
9  
10

11  
12           Instead of acknowledging the fact that she has conflict with everyone and  
13 deciding she needs to work on her issues, Maggie blames everyone else. This  
14 factor should favor Jason.  
15

16           **g.     The physical, developmental and emotional needs of the children**

17  
18           There are no meaningful periods of time in the last ten years that Maggie has  
19 not been in conflict with someone because she did not get what she wanted, when  
20 she wanted it. Hunter needs stability. Hunter does not need the constant conflict  
21 and drama created by Maggie in every single situation.  
22

23           Hunter is well bonded with both parents. Hunter is smart, gets good grades  
24 and has no behavioral problems anywhere of any kind - except when he is with  
25 Maggie. The response from Maggie is to blame every single other person - except  
26 herself.  
27  
28

1 At this point, Hunter would simply rather be primarily with Jason and avoid  
2 the drama and histrionics that Maggie creates, and quite frankly Hunter is tired of  
3 the overt hatred that Maggie directs toward Jason and Alexandra. Hunter sees how  
4 Jason and Marianne get along. Hunter knows that there is a better of acting than  
5 the narcissistic ways that his mother acts at every opportunity.  
6

7  
8 As Hunter is becoming older, he is becoming more self-aware. Nobody has  
9 to tell Hunter that Maggie is in constant conflict with everyone and everything and  
10 hates Jason and Alexandra. He can see that for himself. Hunter can see that Jason  
11 and Alexandra have a happy and peaceful household. If Hunter is physically  
12 violent toward Maggie, and Danika, that is Maggie's and only Maggie's  
13 responsibility. Maggie has 100 percent ownership of her relationship with Hunter.  
14  
15

16 This factor favors Jason.

17  
18 **h. The nature of the relationship of the child with each parent**

19 Jason's relationship with Hunter is great. No counseling is needed.  
20 Maggie's relationship with Hunter is poor and Maggie is ceaseless in attempting  
21 to undermine Jason's relationship with Hunter. The only person to blame for  
22 Maggie's poor relationship with Hunter is Maggie. This factor favors Jason.  
23

24  
25 ///

26 ///

27 ///

28

1           **i. The ability of the child to maintain a relationship with any**  
2           **sibling**

3           Hunter has half-siblings in both households. According to Maggie, Hunter's  
4 relationship with Taylor and Tori is better than Hunter's relationship with Danika.  
5  
6 Jason agrees. This factor favors Jason.

7           **j. Any history of parental abuse or neglect of the child or a sibling of**  
8           **the child**

9           It appears that Hunter is beginning to verbalize that Clint was physically  
10 abusive to him and Maggie stood by while it was happening and did nothing.  
11  
12 Maggie failing to exercise protective capacity is abuse and neglect. Many of the  
13 NRS 432B "J" cases involve a mother allowing a child to be abused in order to  
14  
15 protect and preserve the relationship with the man.

16           **k. Whether either parent has engaged in an act of domestic violence**  
17           **against the child, a parent of the child or any other person**  
18           **residing with the child**

19           Not applicable.

20           **l. Whether either parent or any other person seeking physical**  
21           **custody has committed any act of abduction against the child or**  
22           **any other child**

23           This factor is actually not applicable, but Maggie tries to claim Jason  
24 withheld Hunter and that this is somehow an abduction. There are no police  
25 reports, no letters between attorneys, and no court filings. In short, there has been  
26  
27 no abductions.  
28

1 A reasonable analysis of the factors in this case should lead the Court to  
2 conclude that under *Rooney v. Rooney*, 109 Nev. 540, 853 P.2d 123 (1993) there is  
3 no adequate for there to be any further hearings and that Maggie's request be  
4 denied in their entirety.  
5

6 **D. Maggie's Miscellaneous Child Custody Requests**  
7

8 **1. Maggie's Request for a Brief Focus Assessment Should be Denied**

9 Maggie claims there should be a Brief Focused Assessment with Donna  
10 Wilburn. Maggie fails to state who she wants to be assessed. The only person  
11 who should receive a Brief Focused Assessment is Maggie, and the individual who  
12 should do it should be at a Psy.D. level or higher. An MFT is not qualified to  
13 provide a clinical diagnosis.  
14

15  
16 Maggie fails to provide any adequate cause for anyone else, other than  
17 herself, to undergo a psychological assessment.  
18

19 **2. Maggie's Request for Counseling for Hunter Should be Denied**  
20

21 Hunter gets good grades, has no behavior problems at school, and has no  
22 behavior problems with Jason, is happy and is involved in activities when he is  
23 with Jason.  
24

25 As noted, Hunter donates a portion of his Christmas and birthday money to  
26 children with cancer and has raised approximately \$7,000 for children with cancer.  
27  
28

1 Maggie's response is, "Hunter needs counseling because I say he needs counseling,  
2 no evidence other than I say it is, is needed."<sup>25</sup>

3  
4 No objective evidence exists that Hunter needs counseling. There is no a  
5 doctor's report, not a police report, not a grade report that would justify finding  
6 that there is adequate cause for counseling to be ordered. If Maggie perceives that  
7 there is a problem, it may be nothing more than Hunter spending some extra time  
8 with Jason until things settle down. Maggie's request should be denied.  
9

10  
11 **3. Maggie's Request for Alexandra to "Unfriend" Hunter or for  
12 Alexandra to be Removed from Social Media Should be Denied**

13 Hunter is listed as an acquaintance on Alexandra's Facebook and  
14 accordingly has limited visibility. Hunter is also not allowed to look at Facebook  
15 without Jason or Alexandra being present. Jason advises he can count on a handful  
16 of times that Hunter has actually asked to look at Facebook.  
17

18 Hunter's Facebook page was created so his out of state family can see and  
19 share pictures. Hunter's Facebook page also states that his account is monitored  
20 by parents. Maggie also has a Facebook and an Instagram account for Hunter, but  
21 Alexandra is not allowed to be an acquaintance on it.  
22

23  
24 Maggie's speculation is unfounded. A scintilla of research, or even asking  
25 Jason a question would have answered her questions. If Maggie does not like what  
26  
27  
28

---

<sup>25</sup> As to counseling, Maggie may benefit by looking in a mirror.

1 she sees on Alexandra's Facebook she should stop stalking Jason and Alexandra,  
2 they do not look at what she posts.

3  
4 **E. Maggie's Request for Attorney's Fees Should be Denied**

5 Maggie spends three and one-half pages, literally more than any other  
6 section asking for fees, so that she can exceed the page limit by, four pages,  
7 mandated by the local rules. Based upon the foregoing, Maggie's request for  
8 attorney's fees should be denied. No further discussion should be required.  
9

10  
11 **III.**  
12 **COUNTERMOTION**

13 **A. Jason Should be Awarded Primary Physical Custody**

14 Jason incorporates the analysis regarding custody from his Opposition as  
15 though fully set forth herein.  
16

17 Based upon Hunter's wishes, Maggie's unwillingness to facilitate a  
18 relationship, Maggie's inability to cooperate, Hunter's developmental stage,  
19 Maggie's demonstrated mental instability Hunter's poor relationship with Maggie,  
20 and the physical abuse that suffered from Clint while Maggie watched and did  
21 nothing, there is adequate cause for custody to be changed and for Jason to be  
22 confirmed as primary physical custodian.  
23  
24

25 **B. Child Support Should be Modified**  
26

27 There is no factual dispute that Jason has suffered a more than 20 percent  
28 decrease in his income. There is no schedule as to when he might be able to obtain

1 employment in his prior filed. As a matter of law, Jason is entitled to a  
2 modification of his child support obligation. Child support should be set pursuant  
3 to NAC 425.  
4

5 **C. Hunter Should be Interviewed or a Guardian *Ad Litem* Should be**  
6 **Appointed**

7 At this point, it may be in Hunter's best interests that he be interviewed as to  
8 what he likes and dislikes at each house, how he is disciplined at each residence.  
9 An investigation in the form of an interview should be conducted to find out why  
10 Maggie is making the claims that she is. The evidence is needed so that the Court  
11 is able to enter a more fully informed decision. In the alternative, a guardian *ad*  
12 *litem* may be appointed. The Court is authorized to enter such an order pursuant to  
13 NRS 125C.0045. Being more fully informed would be in Hunter's best interests.  
14  
15  
16

17 **D. Jason Should be Awarded the Attorney's Fees he Has Incurred in**  
18 **Having to Respond**

19 Fees should be awarded to Jason for this Opposition and Counter-motion.  
20 Attorney's fees may be awarded to Jason under *Brunzell v. Golden Gate National*  
21 *Bank*.<sup>26</sup> The undersigned is well experienced, the work requires something more  
22 than a passing knowledge of domestic relations law, the work is somewhat difficult  
23 and complex, the result should be considered as being successful, and the  
24 undersigned performed 100 percent of the work.  
25  
26  
27

28 \_\_\_\_\_  
<sup>26</sup> 85 Nev. 345, 455 P.2d 31 (1969)


1 Jason requests that he be awarded \$2,000 in attorney's fees for having to  
2 respond to Maggie's motion.

3  
4 **IV.  
CONCLUSION**

5  
6 WHEREFORE, Defendant, JASON ROE, respectfully requests that the  
7 Court enter orders:

- 8  
9 1. Denying Maggie's Motion in its entirety.  
10  
11 2. Changing custody and confirming Jason as primary physical  
12 custodian.  
13  
14 3. Modifying child support.  
15  
16 4. Awarding Jason the attorney's fees he has incurred in responding to  
17 Maggie's Motion, and;  
18  
19 5. For any further relief the Court deems proper and just.

20  
21 DATED this 20th day of August 2020

22 PAGE LAW FIRM  
23   
24 FRED PAGE, ESQ.  
25 Nevada Bar No. 6080  
26 6930 South Cimarron Road, Suite 140  
27 Las Vegas, Nevada 89113  
28 (702) 823-2888  
Attorney for Defendant

**DECLARATION IN SUPPORT OF OPPOSITION AND  
COUNTERMOTION**

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I, JASON J. ROE, first being duly sworn, deposed declares and states:

That he is the Plaintiff in the above-entitled action; that he has read the above and foregoing OPPOSITION AND COUNTERMOTION and knows the contents thereof and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes them to be true.

Executed this \_\_\_\_\_ day of August 2020

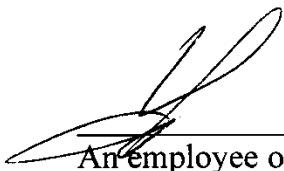


JASON J. ROE

**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on the 21<sup>st</sup> day of August 2020, that  
OPPOSITION AND COUNTERMOTION was served pursuant to NEFCR 9 e-  
service to Amanda Roberts, Esq. attorney for Plaintiff.

  
\_\_\_\_\_  
An employee of Page Law Firm

ORDR

FILED IN OPEN COURT

8-27, 20 20  
Steven D. Grierson, Clerk of the Court  
By: Heather Green  
HEATHER GREEN Deputy

**DISTRICT COURT**  
FAMILY DIVISION  
Clark County, Nevada

Maggie Cox  
Plaintiff )  
-vs- )  
Jason Roe  
Defendant )

Case Number D-11-450074-P  
Department R

**REFERRAL ORDER FOR OUTSOURCED EVALUATION SERVICES**

In accordance with EDCR 5.70, the Court may order family evaluations of those parties appearing before the Court that have been unable to mutually resolve their custody and access issues, and where the Court may require additional information prior to making a judicial decision in the matter. Once ordered, the family evaluation shall be completed by a qualified individual or agency, as defined by EDCR 5.70. The selection of this evaluator may be by mutual agreement of the parties, or absent this agreement, by judicial decision.

IT IS HEREBY ORDERED that the following individual/agency shall provide a family evaluation:

Individual/Agency: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

IT IS FURTHER ORDERED that the above-referenced evaluator shall provide the following services with  or without  recommendations:

- Child Custody Eval
- Child Custody Eval with OTI\*
- Child Interview
- Child Reunification
- Emergency Eval
- Protective Order Eval
- Substance Abuse Eval
- Cooperative Parenting After Divorce
- Parenting Coordinator
- Other Brief Focus Assessment

Notes: -Attorneys will participate in a teleconference with the specialist

IT IS FURTHER ORDERED that the parties are responsible for all fees; that the fees shall be paid directly to the evaluator prior to the commencement of the family evaluation services.

Plaintiff shall pay 50%; Defendant shall pay 50 % of the cost for this service.

ORDERED AND DATED this 27<sup>th</sup> day of August, 2020

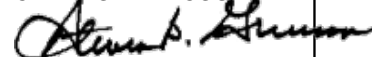
This matter is reset for:  
Date 1/07/21 Time 11:00am

Bill Henderson  
DISTRICT JUDGE  
BILL HENDERSON

- Report to be issued by Dec. 15, 2020

Report Due Date: \_\_\_\_\_  
Attorney for Plaintiff: Amanda Roberts  
Attorney for Defendant: Fred Page

\*Out of Town Investigation - Courtesy home study from another jurisdiction.



1 **RPLY**  
2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294  
4 **ROBERTS STOFFEL FAMILY LAW GROUP**  
5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121  
7 PH: (702) 474-7007  
8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Plaintiff, Maggie Cox

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 MAGGIE J. ROE (nka MAGGIE COX), ) Case No: D-11-450074-D  
14 Plaintiff, ) Dept No: R  
15 v. ) **REPLY IN SUPPORT OF**  
16 JASON J. ROE, ) **PLAINTIFF'S MOTION AND IN**  
17 Defendant. ) **OPPOSITION TO DEFENDANT'S**  
18 ) **COUNTERMOTION.**  
19 Date of Hearing: August 27, 2020  
20 Time of Hearing: 10:00 a.m.

21 COMES NOW the Plaintiff, Maggie Cox, by and through her attorney,  
22 Amanda M. Roberts Esq., of Roberts Stoffel Family Law Group, and hereby  
23 submits this Reply in Support of Plaintiff's Motion to Modify Court's Orders, to  
24 Modify Physical Custody, for Counseling, for a Brief Focus Assessment, Removal  
25 from Social Media, for an Award of Attorney Fees and Costs and Related Relief on  
26 file herein; and in Opposition to Defendant's Countermotion for Primary Physical

1 Custody, for a Modification of Child Support, for a Child Interview or in the  
2 Alternative for a Guardian Ad Litem, and for Attorney's Fees.

3  
4 This Reply in Support of Plaintiff's Motion and in Opposition to Defendant's  
5 Countermotion is made and based on all the papers and pleadings on file herein, the  
6 attached Memorandum of Points and Authorities, the attached exhibits and any  
7 further evidence and argument as may be adduced at the hearing of this matter.  
8

9 Dated this 27<sup>th</sup> day of August, 2020.

10 **ROBERTS STOFFEL FAMILY LAW GROUP**

11  
12 By: Amanda M. Roberts

13 Amanda M. Roberts, Esq.  
14 State of Nevada Bar No. 9294  
15 4411 S. Pecos Road  
16 Las Vegas, Nevada 89121  
17 PH: (702) 474-7007  
18 FAX: (702) 474-7477  
19 EMAIL: efile@lvfamilylaw.com  
20 Attorneys for Plaintiff, Maggie Cox  
21  
22  
23  
24  
25  
26  
27  
28



1 Opposition and Countermotion was filed August 20, 2020, which was untimely and  
2 did not allow sufficient time for Maggie to file a Reply.

3  
4 *EDCR* § 5.502 (d) states, “Within 10 days after service of the motion, the  
5 opposing party must serve and file a written opposition . . . Failure of the opposing  
6 party to serve and file a written opposition may be construed as an admission that  
7 the motion is meritorious and a consent to granting the same.” In this matter,  
8 Jason’s failure to file a timely response should be viewed as an admission that his  
9 claims are not meritorious. **Jason’s Opposition and Countermotion was due on  
10 August 10, 2020, and Jason did not file a response until August 20, 2020.**

11  
12 **{EMPHASIS ADDED}** The failure to timely file the Opposition and  
13 Countermotion, has created a prejudice to Maggie this tactic should not be tolerated  
14 by Jason and his Counsel.  
15

16  
17 *Pre-Order Factual Allegations-*

18 In *McMonigle v. McMonigle*, 110 Nev. 1407, 887 P. 2d 742 (1994), the  
19 Nevada Supreme Court held a moving Party in a change of custody action must  
20 show circumstances have been substantially altered since the last custodial Order.  
21 In *McMonigle*, the Father petitioned the Court to change primary physical custody  
22 from Mother to Father in part based upon Mother’s relocation which occurred pre-  
23 divorce. In addition, Father argued Mother’s failure to provide reports and/or  
24 documents to Father pertaining to the minor child. At the end of seven (7) days of  
25  
26  
27  
28

1 hearings, the District Court granted Father's request for a change of custody and  
2 Mother appealed arguing the District Court's improperly considered pre-divorce  
3 evidence.  
4

5 In reviewing the record, the Nevada Supreme Court found the District Court  
6 erred in considering pre-divorce evidence. In its opinion, the Nevada Supreme  
7 Court took specific care in outlining evidence which could be properly considered  
8 by the District Court. Most notably the District Court was preoccupied with  
9 Mother's relocation; however, the Decree of Divorce, and the last custodial Order  
10 in the case, specifically noted Mother had relocated even stating she was  
11 responsible for paying travel costs related to Father's visitation. In addition, the  
12 evidence established that the reports the Father did not receive dated back two (2)  
13 years before the divorce. As such, the Nevada Supreme Court held the District  
14 Court erred by considering pre-divorce evidence which was already considered by  
15 the Court (i.e., the relocation) or could have been considered by the Court (i.e.,  
16 school reports) and remanded the matter with specific instructions to restore Mother  
17 with primary physical custody.<sup>2</sup>  
18  
19  
20  
21

22 Ten (10) years after the holding in *McMonigle*, the Nevada Supreme Court  
23 again ruled on pre-divorce evidence, specifically evidence of domestic violence. In  
24

---

25 <sup>2</sup> The Nevada Supreme Court noted that if the District Court based its decision on admitted or  
26 considered evidence which was not related to the substantive rights of Parties, the Nevada  
27 Supreme Court would consider the error "harmless." *Dep't of Highways v. Campbell*, 80 Nev.  
28 23, 33, 388 P. 2d 733, 738 (1964).

1 *Castle v. Simmons*, 120 Nev. 98, 86 P. 2d 1042 (2004), the Nevada Supreme Court  
2 held when seeking to modify custody, the District Court may consider evidence of  
3 domestic violence which was not known to a Party or the Court, or the extent of  
4 which was not known, prior to the last custodial Order. As such, the holding in  
5 *Castle* overrules, in part, the holding in *McMonigle* by specifically allowing the  
6 District Court to consider acts of domestic violence regardless of when the  
7 domestic violence occurred.<sup>3</sup>

10 In *Castle*, the Father was informed by his oldest children, after the Parties’  
11 divorce, Mother had repeatedly engaged in acts of domestic violence against the  
12 Parties children prior to the divorce and after the divorce. Unfortunately, Father  
13 was not aware of the domestic violence when he entered in the stipulated custody  
14 agreement whereby Mother received primary physical custody of the Parties  
15 children. As a result of the children’s confession, Father filed to change primary  
16 physical custody of the children. The record shows Father brought forth in excess  
17 of twenty (20) witnesses, including the minor children and expert witnesses, to  
18 establish Mother had repeatedly beat, kicked, pulled hair, scratched, and yelled at  
19 the children.  
20  
21  
22

---

24 <sup>3</sup> The Nevada Supreme Court recognized potential *res judicata* issues and thereby issued a  
25 specific finding that *res judicata* should not be used as a tool to “preclude” evidence of domestic  
26 violence when the domestic violence was either not known or the extent was not known.  
27 Moreover, the Nevada Supreme Court held, “res judicata principles should not prevent a court  
28 from ensuring that the child’s best interest are served. As our Legislature has recognized,  
domestic violence poses a very real threat to a child’s safety and well-being.” *Id.*

1           At the end of Evidentiary Hearing, the District Court found Father had met  
2 his burden to change custody because Father was not aware of the extent of abuse at  
3 the time of the prior Order. Moreover, the District Court found by clear and  
4 convincing evidence, Mother had engaged in domestic violence against her  
5 children, therefore, pursuant to *NRS 125C.230 (1)*, it was not in the best interest of  
6 the minor children for Mother to have primary physical custody. As a result,  
7 Mother appealed arguing the District Court abused its discretion by considering  
8 evidence prior to the last custodial Order and in finding by clear and convincing  
9 evidence that Mother had committed acts of domestic violence. The Nevada  
10 Supreme Court upheld the District Court's ruling and ruled the District Court did  
11 not abuse its discretion and therefore, the Nevada Supreme Court would not disturb  
12 the District Court ruling and affirmed the decision.<sup>4</sup>

13  
14  
15  
16  
17           Throughout his Opposition and Counter-motion, Jason repeatedly brings up  
18 alleged facts other than domestic violence which occurred prior to the last custodial  
19 Order filed on November 21, 2017 (with the Notice of Entry of Order filed on  
20 November 22, 2017). In this matter, Jason's Counsel, Fred Page, Esq., is a family  
21

22  
23  
24  
25 <sup>4</sup> In addition the Nevada Supreme Court found the changed circumstances prong of *Murphy v.*  
26 *Murphy*, 84 Nev. 710, 447 P. 2d 664 (1968), "does not apply when a [P]arty seeking to change  
27 custody attempts to introduce evidence of domestic violence if the moving [P]arty or the [C]ourt  
28 was unaware of the existence or extent of the custody when the [C]ourt rendered its prior custody  
decision."

1 law expert pursuant to the State Bar of Nevada;<sup>5</sup> therefore, Jason’s Counsel is  
2 expected to have a superior knowledge of family law concepts and laws, as  
3 compared to other family law practitioners. **As such, Jason’s Counsel should**  
4 **know and likely does know, that the factual allegations set forth in Jason’s**  
5 **Opposition and Countermotion are barred from consideration from the Court**  
6 **and should not have been included in his Opposition and Countermotion.**

7  
8  
9 {**EMPHASIS ADDED**} The only reason to include such inflammatory statements  
10 is because Jason is trying to mislead and muddy the waters for the Court. It would  
11 be appropriate pursuant to *EDCR* § 7.60 (b)(1) and (3) for the Court to issue  
12 sanctions in this matter.  
13

14 **II.**  
15 **Reply**

16 The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”),  
17 were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The  
18 Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born November 9,  
19 2009. The Parties have joint legal and physical custody of Hunter pursuant to the  
20 Court’s Order.  
21

22 On July 27, 2020, Maggie filed a Motion to Modify Court Order, to Modify  
23 Physical Custody, et. al. (“Motion”), and Exhibits. Said documents were  
24  
25

---

26 <sup>5</sup> [https://www.nvbar.org/member-services-3895/membership-information/attorney-](https://www.nvbar.org/member-services-3895/membership-information/attorney-specialization/certified-specialists/)  
27 [specialization/certified-specialists/](https://www.nvbar.org/member-services-3895/membership-information/attorney-specialization/certified-specialists/)

1 electronically served upon Jason's attorney. Those Exhibits included Declarations  
2 by Maggie's family members regarding a firsthand account of Hunter's changes in  
3 attitude and behavior.  
4

5 On or about August 3, 2020, Hunter was returned to Maggie's care. Upon  
6 being returned, Hunter engaged in physical violence and verbal abuse which was  
7 documented by video, including pushing and shoving Maggie and Maggie's  
8 Mother, Peggy.<sup>6</sup> During the incidents and since being returned to Maggie, Hunter  
9 has claimed and is confirmed via video, that Jason gave him a copy of Maggie's  
10 Motion and Exhibits to review and read. Hunter specifically referenced the  
11  
12  
13 Declarations of Maggie's family members provided to the Court through her filing.<sup>7</sup>

14 During his fit of rage, Hunter also stated to Maggie: "Well, you [Maggie]  
15 said, in the Family Court email "*Clint never abused me [Hunter] – Clint never even*  
16 *laid a hand on me [Hunter],*" but they [Jason and Alexandra] looked back and they  
17 found - they found some pictures. So. Ya, you're A BIG FAT LIAR." During this  
18 conversation, Hunter is yelling and pushing Maggie.  
19  
20

21 During Hunter's tirade, he has pushed both Maggie and Peggy, threw a water  
22 bottle at Maggie, threw a bag of trash at Peggy, and then stated, "*Really nice to*  
23

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24 <sup>6</sup> A copy of the video has been attached to Plaintiff's First Supplemental Exhibits and being sent  
25 to the Court via email to the Judge's staff. It also being sent to Mr. Page via email through  
26 DropBox because it cannot be electronically served through the efilng system. The videos being  
27 provided are only a small amount of the videos taken as a snapshot of the child's beahvior.

28 <sup>7</sup> Hunter indicates in the videos that his Dad [Jason] let him read the documents because his Mom  
and Grandma said mean things about him.

1 read how you and aunt Mary hate me,” and “Yeah, I read the essay you wrote.  
2 Really nice. Like I’m a demon child.” Moments later, Hunter said to Danika,  
3  
4 “Happy murder day. This is the day I murder you.”

5 There is no way that Hunter could have come into possession with the  
6 information contained in the Motion and Declarations without being given them;  
7  
8 Maggie believes it is Jason providing these records to Hunter. Jason is instigating  
9 these matters with Hunter, including damaging his mental well-being and  
10 facilitating Hunter’s behaviors against Maggie and Maggie’s side of the family, in  
11 an attempt to destroy Maggie and her position in this case. Jason is causing  
12  
13 significant damage to Hunter! This behavior violates *EDCR* § 5.301 which states,

14 All lawyers and litigants possessing knowledge of matters being  
15 heard by the family division are prohibited from:

- 16 (a) Discussing issues, proceedings, pleadings, or papers on file with  
the court with any minor child;  
17 (b) Allowing any minor child to review any such proceedings,  
pleadings, or papers or the record of the proceedings before the  
18 court, whether in the form of transcripts, audio or video recordings,  
or otherwise;  
19 (c) Leaving such materials in a place where it is likely or  
foreseeable that any minor child will access those materials; or  
20 (d) Knowingly permitting any other person to do any of the things  
enumerated in this rule, without the written consent of the parties or  
21 the permission of the court.  
22

23 Not only has Hunter engaged in physical violence against Maggie, Hunter  
24 has also been physical with his Maternal Grandmother including punching her  
25 because she has been staying with Maggie. Videos and photographs have been  
26

1 submitted to the Court regarding Hunter's behavior. Maggie has done everything  
2 that she can to avoid calling the police on Hunter during these fits of rage, but  
3 something has to change.  
4

5 In his Opposition and Counter-motion, Jason alleges that at the Evidentiary  
6 Hearing on June 15, 2017, the Court made an Order that his spouse, Alexandra, was  
7 permitted to continue to assist in custody exchanges.<sup>8</sup> This is patently untrue and  
8 meant to mislead the Court. Alexandra is only allowed to do exchanges in the  
9 event of an emergency and Maggie is supposed to be provided notice in advance.<sup>9</sup>  
10 However, Alexandra is almost at all child exchanges and without advance notice to  
11 Maggie. Alexandra even videotapes most, if not all, of the child exchanges. This  
12 sends a message to Hunter which seems inappropriate given Alexandra's level of  
13 dislike for Maggie as shared on social media (which Hunter is included).  
14  
15

16 Jason admits in his Opposition and Counter-motion that Alexandra and  
17 Marianne were not supposed to be present at school or extracurricular events during  
18 Maggie's timeshare.<sup>10</sup> However, this was not made part of the controlling Order.  
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26 <sup>8</sup> See Opposition and Counter-motion at page 4, lines 17 through 22.

27 <sup>9</sup> See Order filed November 21, 2017, pages 2 and 3, starting at line 26.

28 <sup>10</sup> See Opposition and Counter-motion at pages 4 and 5, starting at line 22.

1 The video record controls, not the Court Minutes, and video record indicates as  
2 follows which should be adopted as an Order of this Court,  
3

- 4 • Significant others at sporting and schooling events:
  - 5 ○ There was an Order filed on April 23, 2014 which contained  
6 language stating, “THE COURT FURTHER ORDERS Parties shall  
7 appear at the sporting events and not bring their significant other or  
8 cause disruptive behavior . . .the prohibited party dislikes the  
9 suspension, he/she is to file a motion for relief. The party found  
10 wrongdoing shall be made responsible for the other side’s attorney’s  
11 fees related to the motion.”<sup>11</sup> (Video Citation at 17:51:59)
  - 12 ○ Ms. Roberts then clarified significant others should not be at school or  
13 other events.
  - 14 ○ Judge Henderson requested Jason confirm his agreement and he said  
15 saying, “Fine, whatever. I don’t care.” (Video Citation at 17:52:16)
  - 16 ○ There was significant dialog in the matter including that the  
17 participation at anytime in Hunter’s events precludes Maggie’s ability  
18 to participate which minimize her role in Hunter’s life.
  - 19 ○ Judge Henderson indicated that it could be viewed that way and the  
20 Court was unlikely to lift the restriction; however, could be revisited at  
21 a later date. (Video Citation at 18:02:00 and 18:04:30)

22  
23 As this is not included in the Order, Alexandra started showing up at sporting  
24 events and school activities. At Hunter’s hockey, Alexandra showed up which was  
25 during Maggie’s custodial time. Alexandra is the “team mom” for Hunter’s soccer;  
26 Alexandra regularly attends games and events which precludes Maggie from  
27 participating.<sup>12</sup> Moreover, Alexandra has shown up at school activities during  
28

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23 <sup>11</sup> See Order filed April 23, 2014, at page 2 (mid-page because no line numbers).

24 <sup>12</sup> This goes hand-in-hand with Jason being a coach to Hunter’s sports, and Alexandra being  
25 designated as the “team mom.” Jason signs Hunter up for sports and activities, without Maggie’s  
26 advanced approval and consent. Then, Jason controls the practice schedule and team activities,  
27 including team parties, and expects Maggie to be okay with going while he and Alexandra are  
28 both present. Alexandra also is the one corresponding with the player parents via email,  
including Maggie (albeit to an old email address), and it is unknown if Maggie gets all of the

1 Maggie's custodial timeshare and during Jason's custodial timeshare which is  
2 prohibited. Jason admits it in his Opposition and Countermotion at page 14, lines 3  
3 through 12- she has attended field trips and attended school events. Again, this  
4 precludes Maggie from being able to participate which was prohibited by the Court.  
5

6 This directly violates the Court Orders; however, it is not enforceable because it  
7 was not reduced to writing. This needs to be added into the Order as follows, "**IT**  
8  
9 **IS FURTHER STIPULATED AND AGREED that the Defendant's spouse,**  
10 **Alexandra; Defendant's ex-spouse, Maryann; and/or significant others shall**  
11 **not be at the minor child's school during Maggie's timeshare and they are**  
12 **excluded carte blanche from sporting events and other activities of the child."**  
13

14 **{EMPHASIS ADDED}**

15 The Order regarding holidays included the Decree of Divorce filed on  
16 February 6, 2013, significantly reduced Jason's timeshare based upon his  
17 employment with Le Reve. Thereafter, the holiday Order changed pursuant to the  
18 Order filed on January 7, 2014 and provides, "THE COURT ORDERS Plaintiff  
19 shall have custody of the minor child during all Clark County School District  
20  
21

22  
23 team sport communications since it is coming from Alexandra and by email. Also note this also  
24 bypasses the requirement for the Parties communications to be through Our Family Wizard.  
25 One occasion sticks out where Alexandra and the other player parents were corresponding via  
26 email, bad-mouthing Maggie for not bringing Hunter to soccer, and Maggie was included in the  
27 email thread.

28 See OFW messages attached to the Second Supplemental Exhibits as **Exhibit "18"** filed  
concurrently herewith and incorporated herein.

1 holidays.”<sup>13</sup> Jason alleges in his Opposition and Countermotion that “the Holiday  
2 Visitation Schedule currently in place remain in place.”<sup>14</sup> To be clear, that limits  
3 Jason’s holiday timeshare with Hunter.  
4

5         Rather, the Parties met with Nicholas Ponzo (“Ponzo”), MFT, and resolved  
6 the issue of holidays. However, this was not reduced to writing which has created  
7 problems for the Parties. Specifically, the Parties had a dispute regarding the  
8 timeshare for Mother’s Day and Father’s Day. As an example, Maggie missed her  
9 entire Mother’s Day weekend holiday, only getting the day itself. It is necessary to  
10 have a clear and concise Order regarding the holidays to eliminate disputes between  
11 the Parties. Therefore, the schedule the Parties’ agreed to with Ponzo regarding  
12 holidays and vacation as follows, needs to be adopted:  
13  
14

15             IT IS FURTHER STIPULATED AND AGREED the Court’s prior holiday  
16 schedule is hereby modified which shall take precedence over the regular  
17 timeshare, based upon the agreements worked out with the Parenting Coordinator.  
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26 <sup>13</sup> See Order filed January 7, 2014, at page 2, lines 1 through 2.

27 <sup>14</sup> See Opposition and Countermotion at page 4, lines 20 through 22.

1 This holiday schedule is based upon the school calendar where Hunter is  
2 enrolled and shall be defined as follows:

3 **THREE DAY HOLIDAYS -**

4  
5 The following Holiday schedule begins when the child is released from  
6 school prior to the holiday, and ends on the day school resumes following the  
7 holiday. These holidays shall follow the schedule for the school which  
8 Hunter attends.

|                             | <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
|-----------------------------|-----------------|------------------|
| 9 Martin Luther King Day    | MOM             | DAD              |
| 10 President's Day          | DAD             | MOM              |
| 11 Memorial Day             | MOM             | DAD              |
| 12 Labor Day                | DAD             | MOM              |
| Nevada Day                  | MOM             | DAD              |
| Veteran's Day <sup>15</sup> | DAD             | MOM              |

13 **THANKSGIVING -**

14  
15 The holiday visitation shall begin when school is released preceding  
16 Thanksgiving and shall conclude when school resumes immediately  
17 following the holiday. This holiday shall follow the schedule for which  
18 Hunter attends school.

| <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
|-----------------|------------------|
| DAD             | MOM              |

19  
20 **CHRISTMAS/WINTER BREAK -**

21 The Christmas/Winter Break shall be divided between the parents. The first  
22 block of time shall commence when the child is released from school to  
23 begin Winter Break until December 26<sup>th</sup> at 3:00 p.m. The second block of  
24 time shall commence December 26<sup>th</sup> at 3:00 p.m. and shall continue until  
25 school resumes following the conclusion of Winter Break. This holiday shall  
26 follow the schedule for which Hunter attends school.

27 <sup>15</sup> If the Clark County School District does not have a three (3) day weekend for Veteran's Day, it  
28 shall not be exercised under this agreement.

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|              | <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
|--------------|-----------------|------------------|
| First Block  | DAD             | MOM              |
| Second Block | MOM             | DAD              |

**EASTER/SPRING BREAK-**

The Easter/Spring Break shall begin when school is released for Easter/Spring Break and shall conclude when school resumes following Easter/Spring Break. This holiday shall follow the schedule for which Hunter attends school. If Jason's birthday occurs during Maggie's Easter/Spring Break, he shall forego his birthday timeshare to avoid disruption to Maggie's Spring Break.

| <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
|-----------------|------------------|
| DAD             | MOM              |

**PARENTS' BIRTHDAY -**

The parents shall be allowed to exercise their respective birthday with the child except if Jason's birthday falls during Maggie's designated Easter/Spring Break when he shall not be permitted to exercise said timeshare.

Maggie shall celebrate her birthday from July 16<sup>th</sup> at 8:00 a.m. until July 17<sup>th</sup> at 8:00 a.m.

Jason shall celebrate his birthday from April 14<sup>th</sup> at 8:00 a.m. until April 15<sup>th</sup> at 8:00 a.m., subject the provisions listed herein above regarding a conflict with Easter/Spring Break.

**CHILD'S BIRTHDAY:**

Hunter's birthday shall be celebrated from November 9<sup>th</sup> at 8:00 a.m. until November 10<sup>th</sup> at 8:00 a.m. The child's birthday shall be rotated as follows:

|                               | <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
|-------------------------------|-----------------|------------------|
| Child's Birthday (November 9) | DAD             | MOM              |

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**MOTHER’S DAY/FATHER’S DAY:**

The Mother shall celebrate Mother’s Day each and every year. The Father shall celebrate Father’s Day each and every year. The period for Mother’s Day and Father’s Day shall commence on the Friday before the holiday when the child is released from school or if there is not school at 3:00 p.m., and shall conclude the Monday after the holiday when the child is returned to school or if school is not in session at 8:00 a.m.

IT IS FURTHER STIPULATED AND AGREED the Court’s prior vacation schedule is hereby modified which shall take precedence over the regular timeshare, but not over holidays and is based upon the agreements worked out with the Parenting Coordinator. The vacation schedule as follows:

**SUMMER VACATION –**

Each parent is to have up to two (2) uninterrupted weeks of vacation with Hunter each summer to be taken when school is not in session. Vacations shall take precedence over the regular time share, but not over the holiday timeshare outlined herein above. The parent with selection priority shall provide notice of his/her summer vacation dates in writing via Our Family Wizard by January 31<sup>st</sup> with the other parent providing notice of her/his summer vacation dates in writing via Our Family Wizard by March 31<sup>st</sup>. Failure to provide notice of summer vacation dates by the deadline provided shall constitute a waiver of priority and the other party shall have the right to provide written notice of his/her summer vacation dates, which shall take precedence for that year only. If a party does not provide written notice of his or her vacation dates by May 1<sup>st</sup>, that party shall have waived his/her right to exercise a vacation period for that year only.

|                             |                 |                  |
|-----------------------------|-----------------|------------------|
|                             | <u>ODD YEAR</u> | <u>EVEN YEAR</u> |
| Vacation Selection Priority | DAD             | MOM              |

In his Opposition and Countermotion, Jason brings up the issue of missing his birthday on April 14, 2020. Maggie admits that Jason did not receive his

1 birthday in 2020. This did not happen because no Order was ever formalized for  
2 the holiday schedule. The holiday schedule from the Decree of Divorce does not  
3 provide for Jason to celebrate his birthday, and the controlling Order from January  
4 7, 2014. Additionally, Jason's birthday fell during a period when the State of  
5 Nevada was under strict lockdown related to COVID-19. As there was no specific  
6 Order and Maggie disagreed with Jason's position regarding exercising April 14,  
7 2020. Again, Jason fighting about having a controlling holiday Order seems  
8 nonsensical.  
9  
10

11           Coincidentally, Jason does not refute that he refused to provide Maggie with  
12 Mother's Day. This is telling! Jason does not even try to persuade the Court he  
13 acted appropriate because he did not do so. Jason is a bully, he took Maggie's time  
14 and has tainted Hunter against Maggie- making Mother's Day an absolute  
15 nightmare for Maggie who is supposed to be celebrated. Let's be clear, Alexandra  
16 is not Hunter's Mother and to prioritize her over Maggie is just plain disrespectful,  
17 Alexandra needs to understand her place which has not happened and continues to  
18 create problems.  
19  
20  
21

22           In his Opposition and Countermotion, Jason alleges that Hunter was kicked  
23 out of school which required the Court to enter an Order for him to attend a new  
24 school. Jason continues to enflame the situation by making claims that he knows to  
25 be untrue. Therefore, the Court should question Jason's veracity and credibility.  
26  
27  
28

1 Specifically, Maggie made a request to change Hunter's school. The Court had the  
2 Parties each file a Brief regarding school selection with Maggie's being filed on  
3 July 27, 2017 and Jason's being filed on July 31, 2017 (the Brief was due was due  
4 on July 27, 2017 per the Video Citation at 18:11:15).<sup>16</sup> Thereafter, the Court issued  
5 a Decision on August 7, 2017. This has nothing to do with the child being  
6 precluded from attending any school. Again, Jason is just throwing gas on the fire!  
7

8  
9 Jason plays off Hunter's behavior and outbursts, claiming he is a perfect  
10 angel in his care. Often, as this Court knows, there is a favored parent when a child  
11 is poisoned against a parent. When a child rejects a parent which is clearly  
12 happening in this situation, it is often referred to as parental alienation.<sup>17</sup> When  
13 parental alienation is severe the rejected parent is treated with "extreme hostility,  
14 disobedience, defiance, and withdrawal. They may resist or refuse contact,  
15 vandalize and steal property, threaten and perpetrate violence . . . Often these  
16 children behave well with all other adults except the rejected parent and people  
17 associated with that parent."<sup>18</sup> In fact, Dr. Warshak indicates that "[a]lienated  
18 children's thoughts about their parents become highly skewed and polarized. They  
19 seem unable to summon up positive memories or perceptions about the rejected  
20 parent, and have difficulty reporting negative aspects or experiences with the  
21  
22  
23

24 <sup>16</sup>As with the Opposition and Countermotion, Jason untimely filed the Brief.

25 <sup>17</sup>Information from research studies and leading experts is attached to the companion filing as  
26 **Exhibit "17"** and fully incorporated herein by reference.

27 <sup>18</sup>Per Dr. Richard Warshak's teaching (<https://www.warshak.com/publications/what-is-parental-alienation.html>).

1 favored parent. They rewrite the history of their relationship with the rejected  
2 parent to erase pleasant moments.<sup>19</sup> Exactly what is happening in this situation is  
3 the textbook example of parental alienation.  
4

5 Here, Jason has tainted Hunter by allowing him to receive adult information  
6 through Court papers and discussions, he is allowed access to adult material  
7 through social media, Hunter is taught that Maggie is bad, and he is rewarded when  
8 his behavior is out of control. Let's not forget, when Maggie attempted to address  
9 Hunter's behavior with Jason his was, "*Hunter tells it like it is and that's an*  
10 *admirable quality.*" This statement is extremely telling and should give the Court  
11  
12 pause to consider why Hunter's behavior changed on a dime.  
13

14 Since Maggie filed the Motion, Hunter's venom toward Maggie and his  
15 Maternal side of the family has increased tenfold. As established through Exhibit  
16 "2," Hunter struck his Maternal Grandmother with such force she has bruises and  
17 cuts on her face. Exhibit "7" shows Hunter engaging in pushing and shoving,  
18 hitting Maternal Grandmother's camera. Exhibit "11" shows Hunter explaining  
19 that he wanted Maggie to die. These things are not made up. The issues are severe  
20 and immediate intervention is needed from the Court.  
21  
22

23 In his Opposition, Jason refers to Maggie as "psychotic[.]"<sup>20</sup> If Jason would  
24 say such things to this Court, imagine what he is saying to Hunter behind closed  
25

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26  
27 <sup>19</sup> *Id.*

1 doors. Again, the only way Hunter knew about the pending litigation is because  
2 Jason and/or Alexander told him which he admits in a roundabout way in a video  
3 record.  
4

5 Here, Jason is fighting Hunter attending therapy claiming he has not need  
6 because there is no problem at his house. Of course, there is no problem at Jason's  
7 house because he is engaged in alienation tactics and behaviors. Therefore, Jason is  
8 the favored parent and Hunter does not nor would he act out in Jason's care because  
9 he is getting positive reinforcement from Jason by acting out when he is with  
10 Maggie.  
11

12 Also, Jason is fighting the Brief Focus Assessment ("BFA") claiming that  
13 Maggie needs a psychological evaluation. However, Jason fails to raise the issue  
14 properly by way of *NRCP* § 35. There is no reason to fight the issues regarding the  
15 BFA unless Jason has something to hide which is the case in this matter. There is  
16 adequate cause for the Court to Order the relief set forth in Maggie's Motion.  
17  
18

### 19 III.

#### 20 **Opposition to Jason's Counter-motion**

##### 21 *Lack of Compliance with EDCR § 5.501:*

22 Jason filed his Counter-motion prematurely in violation of *EDCR* § 5.501.  
23 Specifically, Jason never attempted to resolve the issues raised in his  
24 Counter-motion with Maggie's Counsel, or even Maggie. In fact, Jason failed to  
25  
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27 <sup>20</sup> See Opposition and Counter-motion at page 16, lines 21 through 23.

1 respond to Maggie's attempts to resolve the issues outlined in her Motion when she  
2 attempted to resolve the matters, pursuant to *EDCR* §5.501, prior to Court  
3 intervention. Rather, Jason simply ignored Maggie's requests, and filed his  
4 Countermotion, in an attempt to defect the focus off him. This isn't Jason, or his  
5 Counsel's, first time around in Court - he knows what he is doing and must be held  
6 accountable. Jason and his Counsel must follow the same Court Rules everyone  
7 else is required to follow.  
8  
9

10 A. *Jason's request for primary physical custody should be denied.*

11 Within Jason's request for primary physical custody, he provides absolutely  
12 no legal authority. Absent legal authority, in accordance with *EDCR* §5.503, this  
13 Court is without the ability to consider Jason's request.  
14

15 If the Court is inclined to take Jason's Opposition as his basis for modifying  
16 physical custody, then Maggie adamantly denies same. *NRS* §125C.001 (1)  
17 provides that the State policy in Nevada for parents to have "frequents associations  
18 and a continuing relationship" with their minor children. In his Countermotion,  
19 Jason alleges there needs to be a modification to the primary physical custody  
20 whereby Jason would be the primary physical custodian. Jason fails to take into  
21 consideration, or even be up front with the Court, about his efforts to interfere in  
22 Maggie's relationship with Hunter by involving him in the Parties disputes,  
23 including this litigation, and alienating Hunter from Maggie.  
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B. Jason's request to modify child support should be denied.

Jason failed to provide notice to Maggie, that he has changed employment, or that he would not be submitting the Court Ordered support payments to her. Jason is currently in arrears; therefore, pursuant to the holding in *Lamb v. Lamb*, 83 Nev. 425, 433 P.2d 265 (1967), Jason is not eligible for an adjustment of child support as he has requested. Jason is asking this Court for relief when he comes to the Court with unclean hands, owing child support arrears. Jason's behavior in failing to pay child support to Maggie for months, although Ordered by this Court, shows a level of disobedience of Court Orders which should not be ignored. Jason took a family vacation during the same time he has failed to pay child support to Maggie; clearly Jason has no concern for how his failure to pay child support affects Maggie and the child, which is not acceptable.

Furthermore, as outlined herein above, Jason failed to properly file his Financial Disclosure Form:

1. Jason failed to file his FDF within two (2) days from the filing of his Opposition and Countermotion as required pursuant to *EDCR* §5.506;
2. Jason failed to properly identify his start date of employment with Ahern Rentals;
3. Jason failed to include his employment with Justin Sports Medicine Team and earnings;
4. Jason failed to identify how much contribution from his wife, Alexandra Roe, each month (as required on Page 5);

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- 5. Jason failed to include any proof of income (although identified on Page 7 that he has); and
- 6. Jason claimed zero (\$0.00) in attorneys fees and costs have been incurred to date and that he owes his attorney nothing.

Jason alleges he earns only \$14.50 per hour, but provides no documentation.

It is also noted that Jason failed to provide proof of his unemployment earnings, although he alleged to be unemployed for a period of time. It is likely that Jason earns commission with this employment and may likely be trying to hide same from this Court. If, in fact, Jason only earns \$14.50 per month, Maggie would allege Jason is “willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation [child support] must be based upon the parent’s true potential earning capacity.” *NRS* § 125B.080 (8). The Nevada Supreme Court addressed the issue of willful unemployment and/or underemployment in *Minnear v. Minnear*, 107 Nev. 495, 814 P. 2d 85 (1991). Pursuant to *Minnear*, the Nevada Supreme Court held, where substantial evidence of willful unemployment and/or underemployment exists, a presumption arises the reason for the unemployment and/or underemployment is for the purpose of avoiding support. Moreover, when the presumption arises, the burden shifts to the obligor to establish grounds for unemployment and/or underemployment besides to avoid support obligations.

Based upon the foregoing, Jason is not eligible for a modification of child support and his request must be denied.

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C. Jason's request for a Guardian Ad Litem for Hunter should be denied.

In this matter, appointing a Guardian Ad Litem for a child who is triangulated into parental conflict is not advisable. A Guardian Ad Litem may not have the requisite training to understand the parental alienation and enmeshment happening. Therefore, Jason's request should be denied in this matter.

D. Jason's request for an award of attorney's fees should be denied.

Jason failed to attempt to resolve the issues outlined in his Motion with Maggie, prior to filing same, in violation of *EDCR* §5.501. Additionally, as outlined herein, Jason failed to follow *EDCR* §5.506, as it relates to the timing of filing his Financial Disclosure Form and request for financial relief. Jason's Counsel brags as to his legal abilities within his single paragraph request, but fails to follow the Court's basic rules.

Based upon the foregoing, Jason's request for an award of attorney's fees are without merit and must be denied.

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**IV.**  
**Conclusion**

Therefore, based upon the foregoing, Maggie requests this Court to enter an Order:

1. Granting Maggie’s request to correct the clerical errors or to include the action Orders from the hearing held June 15, 2017.
2. Granting Maggie’s request for a modification of physical custody, providing her primary physical custody.
3. Granting Maggie’s request for Hunter to be enrolled in counseling.
4. Granting Maggie’s request for a Brief Focus Assessment.
5. Granting Maggie’s request for Hunter to be unfriended and/or removed from social media.
6. Granting Maggie’s request for an award of attorney’s fees and costs.
7. Denying Jason’s request to modify custody.
8. Denying Jason’s request to modify child support.

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- 9. Denying Jason's request for a Guardian Ad Litem for Hunter.
- 10. Denying Jason's request for an award of attorney's fees.
- 11. Any and all related relief the Court deems just and proper.

Dated this 27<sup>th</sup> day of August, 2020.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By: Amanda M. Roberts

Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
4411 S. Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

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**DECLARATION OF MAGGIE COX**

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

1. I am the Plaintiff in the above entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of the foregoing Reply in Support of her Motion and in Opposition to Defendant’s Countermotion.

2. I have read the foregoing Reply and can certify and attest that the facts contained therein are true of Declarant’s own knowledge, except for those matters stated upon information and belief, and as to those matters, Declarant believes them to be true.

3. Declarant incorporates all the facts of the motion into this declaration as though fully set forth herein.

**FURTHER DECLARANT SAYETH NAUGHT.**

Dated this 26<sup>th</sup> day of August, 2020.

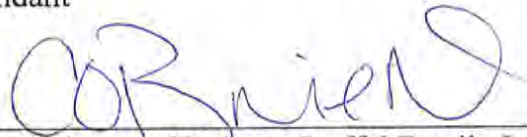
By:           /s/ Maggie Cox            
Maggie Cox

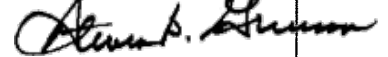
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,  
and on the 27 day of August, 2020, I served by and through Wiz-Net electronic  
service, pursuant Clark County District Court Administrative Order 14-2 for service  
of Documents Identified In Rule 9 Of The N.E.F.C.R., the foregoing Plaintiff's  
Reply and Opposition to Counter-motion, to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By:   
Employee of Roberts Stoffel Family Law Group



1 **ORDR**

2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Maggie Cox

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 MAGGIE J. ROE (nka MAGGIE COX), ) Case No: D-11-450074-D

14 ) Dept No: R

15 ) Plaintiff,

16 ) v.

17 **ORDER AFTER HEARING**

18 JASON J. ROE,

19 Date of Hearing: August 27, 2020

20 Defendant.

21 Time of Hearing: 10:00 a.m.

22 THIS MATTER having come before the Court on the 27<sup>th</sup> day of August,  
23 2020, for Plaintiff's Motion to Modify Court's Orders, to Modify Physical Custody,  
24 for Counseling, for a Brief Focus Assessment, Removal from Social Media, for an  
25 Award of Attorney Fees and Costs and Related Relief on file herein; Defendant's  
26 Counter-motion for Primary Physical Custody, for a Modification of Child Support,  
27 for a Child Interview or in the Alternative for a Guardian Ad Litem, and for  
28 Attorney's Fees; and each Party's Opposition to the other Party's Motion. The  
Plaintiff, Maggie J. Roe (nka Cox)("Maggie"), being present along with her

1 attorney of record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law  
2 Group, and the Defendant, Jason J. Roe ("Jason"), being present along with his  
3 attorney of record, Fred Page, Esq., of Page Law Office. The Parties and Counsel  
4 having appeared via Blue Jeans application due to the coronavirus and  
5 Administrative Orders. The Court having heard the arguments and reviewed the  
6 pleadings on file herein hereby finds and Orders as follows:  
7  
8

9 THE COURT HEREBY FINDS the Parties' have one minor child, to wit:  
10 Hunter Roe ("Hunter"), born on November 9, 2009.

11 NOW THEREFORE,

12 THE COURT HEREBY ORDERS that the Parties are reminded of the joint  
13 legal custody language, based upon the language from the Decree of Divorce filed  
14 on February 11, 2013, as follows:  
15

- 16
- 17 1. Neither parent shall do anything which shall estrange the child  
18 from the other parent or impair the natural development of the  
19 child's love and respect for each of the parents or disparage the  
20 other parent or undermine the parental authority or discipline of  
21 the other's household. Additionally, each parent shall instruct their  
22 respective family and friends that no disparaging remarks are to  
23 be made regarding the other parent in the presence of the child.  
24 Neither parent shall use contact with the child as a means of  
25 obtaining information about the other parent. The parents shall  
26 consult and cooperate with each other in substantial questions  
27 relating to religious upbringing, educational programs, significant  
28 changes in social environment, and health care of the child.
  2. The parents shall have access to medical and school records  
pertaining to the child and shall jointly consult, when possible,  
with any and all professionals involved with the child.

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3. All schools, health care providers, day care providers, and counselors shall be, when possible, selected by the parties jointly. In the event that the parties cannot agree to the selection of a school, the child shall be maintained in the present school pending mediation and/or further order of the Court.
4. Each parent shall be empowered to obtain emergency health care for the child without the consent of the other parent. Each parent shall notify the other parent as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.
5. Each parent shall provide the other parent, upon receipt, information concerning the wellbeing of the child, including, but not limited to, copies of report cards; school meeting notices; vacation schedules; class programs; requests for conferences; results of standardized or diagnostic tests; notice of activities involving the child; samples of school work; order forms for school pictures; and all communications from health care providers. The parents shall also exchange the names, addresses and telephone numbers of all schools, health care providers, regular day care providers, and counselors who have contact with their child.
6. Each parent shall provide the other parent, upon receipt, information concerning school, athletic, church, and social events in which the child participates. Both parents may participate in activities for the child, such as open house, attendance at an athletic event, etc.
7. Each parent shall provide the other parent with the address and telephone number at which the minor child resides, and shall notify the other parent within five days prior to any change of address and provide the telephone number as soon as it is assigned.
8. Each parent shall provide the other parent with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child can be reached whenever the child will be away from the parent's, home for any period in excess of two days. Trips out of the country shall require authorization of the other parent. Appropriate contact information including addresses, phone, flight numbers, and dates.
9. Each parent shall be entitled to reasonable telephone communication with the child. Each parent is restrained from

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unreasonably interfering with the child's right to privacy during such telephone conversations.

- 10. The parents agree to communicate directly regarding the needs and well-being of their child and agree not to use the child as a communicator regarding parental issues. The parents agree to use self-control and not verbally or physically abuse each other in front of the child. (Video Citation: 11:01:02)

THE COURT FURTHER ORDERS that if Plaintiff intends to attend any event involving the minor child, she shall notify the Defendant via a one-line message through Our Family Wizard that she intends to attend the event. That notification shall trigger an Order that Defendant's significant others are precluded from those events. The Court can and will make the Parties' responsible for the behavior of person's directly connected with them unless a Party submits an Affidavit to the Court that they have informed the significant other or family members not to behave in certain ways and they violated it. If Plaintiff sends the message that she is attending and Defendant's spouse shows up, it will be a violation of this Court's Order. (Video Citation: 10:39:41; 10:42:40; 10:46:49; 10:53:25)

THE COURT FURTHER ORDERS that the Parties shall provide the records regarding their communication with Nicholas Ponzio, MFT, regarding the agreement pertaining to the holiday timeshare. If the agreement can be deduced to create an Order, that shall be adopted; however, if not agreement can be deduced

1 then the Department "R" holiday schedule shall be adopted. (Video Citation:  
2 10:46:15; and 10:56:13)

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4 THE COURT FURTHER ORDERS that each parent is entitled to two (2)  
5 weeks of uninterrupted vacation during the summer with the minor child. (Video  
6 Citation: 10:46:36; and 10:56:24)

7  
8 THE COURT FURTHER ORDERS that there shall be a twenty-four (24)  
9 hour first right of refusal. As such, if a parent is not with the child for a period of  
10 twenty-four (24) or more for any reason, before the child can be left with someone  
11 other than a parent, the parent not exercising their custodial timeshare must be  
12 given the first opportunity to care for the child before the child can be left with a  
13 non-parent. This includes traveling with a child. A step-parent is not allowed to  
14 travel with the child if the parent is not also traveling with the child during the same  
15 time. (Video Citation: 10:56:33; and 10:58:19)

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18 THE COURT FURTHER ORDERS that a Behavior Order is adopted. The  
19 Parties are placed on notice that a violation of the Behavioral Order may result in  
20 the Court finding the violating Party in contempt of Court and the punishments for  
21 each individual violation may include up twenty-five (25) days in the Clark County  
22 Detention Center, a sanction and/or attorney's fees. The Behavioral Order shall be  
23 defined as follows:  
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1. No abusive telephone calls or text messages to either Party. This includes via telephone, text message, email, Our Family Wizard posts and/or through social media.
2. No name calling.
3. No foul language.
4. No contact except at exchanges as set forth in the Court's prior Orders and Our Family Wizard.
5. The Parties shall communicate solely by Our Family Wizard, unless in the event of an emergency wherein, texting is permitted.
6. The Parties communication shall solely be regarding the minor child's well-being and child exchanges.
7. Child custody exchanges/visitation/etc., shall be done in a civil and law-abiding manner.
8. In the event of an emergency or unforeseen circumstance that could affect an exchange of the child or the time of the exchange, a party shall contact the other party as soon as is reasonably possible through text message.
9. There shall be no harassment in the home, places of employment or elsewhere by either parent against the other parent.
10. Neither party shall interrogate the child as to the activities or events at the other parent's residence, etc., and shall try to respect the child's privacy and relationship with the other parent.
11. This is a sealed case and a violation of the law to permit other people access to Court paperwork, videos, etc.
12. Neither parent shall communicate with people associated with the other party.
13. Avoid conflicts/contacts with the other Party's relatives and/or significant other.
14. Advise friends/relatives/significant others not to disparage, criticize or harass the other Party.
15. No threats of violence or harm to any other Party/relative/friends/significant others of other Party.
16. The Parties shall not be alone together at any time, without a non-relative, adult, third party person being present. This shall include, but is not limited to doctor's office, hospital, dentist, therapist, daycare, school, etc. The parent exercising custodial timeshare with the minor child shall stay inside the room with the child and the non-custodial parent shall wait outside the

1 room/office until the non-relative, adult, third party person enters  
2 the room. (Video Citation: 10:58:20; and 10:59:28)

3 THE COURT FURTHER ORDERS the Plaintiff is granted leave of Court to  
4 file her Reply pursuant to *EDCR* § 5.502. (Video Citation: 11:27:50).

5 THE COURT FURTHER ORDERS that Defendant’s Counsel shall send  
6 Plaintiff’s Counsel a list of three to six (3-6) names of counselors within seven (7)  
7 days (i.e., on or before September 3, 2020). Thereafter, the Plaintiff shall then  
8 select a name off that list as counselor for the minor child. In the event the  
9 Defendant does not propose the names, then the Plaintiff shall have the authority to  
10 select the therapist for the minor child. (Video Citation: 11:05:47)

11 THE COURT FURTHER ORDERS that during the period the minor child is  
12 attending virtual schooling the child exchanges shall occur on Mondays at 3:30  
13 p.m. The Defendant’s spouse, Alexandra, is permitted to do the child exchange.  
14 Whomever does the child exchanges is not permitted to leave their vehicle or roll  
15 down their window; there shall be no interaction between the adults. (Video  
16 Citation: 11:18:07).

17 THE COURT FURTHER ORDERS that a Brief Focus Assessment (“BFA”)  
18 would be helpful for the Court. The Parties jointly selected Maureen Zelensky,  
19 MFT, to conduct the BFA. The Parties shall split the cost for the BFA. The  
20 deadline for the BFA to be submitted to the Court is December 15, 2020. (Video  
21 Citation 11:23:35; 11:26:40; and 11:35:48)

1 THE COURT FURTHER ORDERS that discovery is open in this matter.

2 THE COURT FURTHER ORDERS that within ten (10) days each Party  
3 shall serve upon the other side their 2018 and 2019 Federal Income Tax Returns,  
4 and proof of income with year-to-date earnings. (Video Citation: 11:34:50)  
5

6 THE COURT FURTHER ORDERS a Return Hearing is set on January 7,  
7 2021, at 11:00 a.m., regarding the outcome of the BFA. (Video Citation: 11:26:20).  
8

9 IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated this 28th day of September, 2020

*Bill Henderson*

DISTRICT COURT JUDGE

10  
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13  
14 Submitted this 25<sup>th</sup> day of  
15 September, 2020.

DAA 845 A65F EC41  
Bill Henderson  
District Court Judge  
Approved as to Content and Form this  
\_\_\_\_ day of September, 2020.

16 **ROBERTS STOFFEL FAMILY  
17 LAW GROUP**

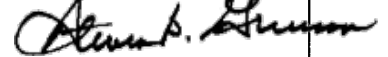
**PAGE LAW OFFICES**

18 By: *Amanda M. Roberts*

By: \_\_\_\_\_

19 Amanda M. Roberts, Esq.  
20 State of Nevada Bar No. 9294  
21 4411 South Pecos Road  
22 Las Vegas, Nevada 89121  
23 PH: (702) 474-7007  
24 FAX: (702) 474-7477  
25 Email: efile@lvfamilylaw.com  
26 Attorneys for Plaintiff

~~Fred Page, Esq., Esq.  
State of Nevada Bar No. 6080  
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Las Vegas, Nevada 89146  
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FAX: (702) 628-9884  
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Attorneys for Defendant~~



1 **NEOJ**  
2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294  
4 **ROBERTS STOFFEL FAMILY LAW GROUP**  
5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121  
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8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Plaintiff, Maggie Cox

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 MAGGIE J. ROE (nka MAGGIE ) Case No: D-11-450074-D  
14 COX), ) Dept No: R  
15 )  
16 Plaintiff, )  
17 v. ) **NOTICE OF ENTRY OF ORDER**  
18 ) **FROM THE AUGUST 17, 2020**  
19 JASON J. ROE, ) **HEARING**  
20 )  
21 Defendant. )  
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PLEASE TAKE NOTICE an Order After Hearing was entered on the 28<sup>th</sup> day of September, 2020 a copy of which is attached hereto and fully incorporated herein.

Dated this 30<sup>th</sup> day of September, 2020.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By: Amanda M. Roberts

Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
4411 South Pecos Road  
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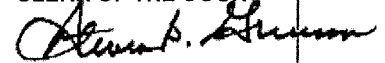
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 30 day of September, 2020, I served by and through Wiz-Net electronic service, pursuant to Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Entry of Order (with the Order attached thereto), and to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By: COBniew  
Employee of Roberts Stoffel Family Law Group



1 **ORDER**

2 Amanda M. Roberts, Esq.  
3 State of Nevada Bar No. 9294  
4 **ROBERTS STOFFEL FAMILY LAW GROUP**  
5 4411 South Pecos Road  
6 Las Vegas, Nevada 89121  
7 PH: (702) 474-7007  
8 FAX: (702) 474-7477  
9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Defendant, Maggie Cox

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

|  |  |
|--|--|
| <p>13 MAGGIE J. ROE (nka MAGGIE COX),</p> <p>14 Plaintiff,</p> <p>15 v.</p> <p>16 JASON J. ROE,</p> <p>17 Defendant.</p> | <p>Case No: D-11-450074-D</p> <p>Dept No: R</p> <p><b>ORDER AFTER HEARING</b></p> <p>Date of Hearing: August 27, 2020</p> <p>Time of Hearing: 10:00 a.m.</p> |
|--|--|

18 THIS MATTER having come before the Court on the 27<sup>th</sup> day of August,  
19 2020, for Plaintiff's Motion to Modify Court's Orders, to Modify Physical Custody,  
20 for Counseling, for a Brief Focus Assessment, Removal from Social Media, for an  
21 Award of Attorney Fees and Costs and Related Relief on file herein; Defendant's  
22 Countermotion for Primary Physical Custody, for a Modification of Child Support,  
23 for a Child Interview or in the Alternative for a Guardian Ad Litem, and for  
24 Attorney's Fees; and each Party's Opposition to the other Party's Motion. The  
25 Plaintiff, Maggie J. Roe (nka Cox)("Maggie"), being present along with her

1 attorney of record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law  
2 Group, and the Defendant, Jason J. Roe ("Jason"), being present along with his  
3 attorney of record, Fred Page, Esq., of Page Law Office. The Parties and Counsel  
4 having appeared via Blue Jeans application due to the coronavirus and  
5 Administrative Orders. The Court having heard the arguments and reviewed the  
6 pleadings on file herein hereby finds and Orders as follows:  
7

8  
9 THE COURT HEREBY FINDS the Parties' have one minor child, to wit:  
10 Hunter Roe ("Hunter"), born on November 9, 2009.

11 NOW THEREFORE,

12  
13 THE COURT HEREBY ORDERS that the Parties are reminded of the joint  
14 legal custody language, based upon the language from the Decree of Divorce filed  
15 on February 11, 2013, as follows:  
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- 17 1. Neither parent shall do anything which shall estrange the child  
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20 other parent or undermine the parental authority or discipline of  
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- 10. The parents agree to communicate directly regarding the needs and well-being of their child and agree not to use the child as a communicator regarding parental issues. The parents agree to use self-control and not verbally or physically abuse each other in front of the child. (Video Citation: 11:01:02)

THE COURT FURTHER ORDERS that if Plaintiff intends to attend any event involving the minor child, she shall notify the Defendant via a one-line message through Our Family Wizard that she intends to attend the event. That notification shall trigger an Order that Defendant's significant others are precluded from those events. The Court can and will make the Parties' responsible for the behavior of person's directly connected with them unless a Party submits an Affidavit to the Court that they have informed the significant other or family members not to behave in certain ways and they violated it. If Plaintiff sends the message that she is attending and Defendant's spouse shows up, it will be a violation of this Court's Order. (Video Citation: 10:39:41; 10:42:40; 10:46:49; 10:53:25)

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11 other than a parent, the parent not exercising their custodial timeshare must be  
12 given the first opportunity to care for the child before the child can be left with a  
13 non-parent. This includes traveling with a child. A step-parent is not allowed to  
14 travel with the child if the parent is not also traveling with the child during the same  
15 time. (Video Citation: 10:56:33; and 10:58:19)

16  
17  
18 THE COURT FURTHER ORDERS that a Behavior Order is adopted. The  
19 Parties are placed on notice that a violation of the Behavioral Order may result in  
20 the Court finding the violating Party in contempt of Court and the punishments for  
21 each individual violation may include up twenty-five (25) days in the Clark County  
22 Detention Center, a sanction and/or attorney's fees. The Behavioral Order shall be  
23 defined as follows:  
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1. No abusive telephone calls or text messages to either Party. This includes via telephone, text message, email, Our Family Wizard posts and/or through social media.
2. No name calling.
3. No foul language.
4. No contact except at exchanges as set forth in the Court's prior Orders and Our Family Wizard.
5. The Parties shall communicate solely by Our Family Wizard, unless in the event of an emergency wherein, texting is permitted.
6. The Parties communication shall solely be regarding the minor child's well-being and child exchanges.
7. Child custody exchanges/visitation/etc., shall be done in a civil and law-abiding manner.
8. In the event of an emergency or unforeseen circumstance that could affect an exchange of the child or the time of the exchange, a party shall contact the other party as soon as is reasonably possible through text message.
9. There shall be no harassment in the home, places of employment or elsewhere by either parent against the other parent.
10. Neither party shall interrogate the child as to the activities or events at the other parent's residence, etc., and shall try to respect the child's privacy and relationship with the other parent.
11. This is a sealed case and a violation of the law to permit other people access to Court paperwork, videos, etc.
12. Neither parent shall communicate with people associated with the other party.
13. Avoid conflicts/contacts with the other Party's relatives and/or significant other.
14. Advise friends/relatives/significant others not to disparage, criticize or harass the other Party.
15. No threats of violence or harm to any other Party/relative/friends/significant others of other Party.
16. The Parties shall not be alone together at any time, without a non-relative, adult, third party person being present. This shall include, but is not limited to doctor's office, hospital, dentist, therapist, daycare, school, etc. The parent exercising custodial timeshare with the minor child shall stay inside the room with the child and the non-custodial parent shall wait outside the

1 room/office until the non-relative, adult, third party person enters  
2 the room. (Video Citation: 10:58:20; and 10:59:28)

3 THE COURT FURTHER ORDERS the Plaintiff is granted leave of Court to  
4 file her Reply pursuant to *EDCR* § 5.502. (Video Citation: 11:27:50).

5 THE COURT FURTHER ORDERS that Defendant's Counsel shall send  
6 Plaintiff's Counsel a list of three to six (3-6) names of counselors within seven (7)  
7 days (i.e., on or before September 3, 2020). Thereafter, the Plaintiff shall then  
8 select a name off that list as counselor for the minor child. In the event the  
9 Defendant does not propose the names, then the Plaintiff shall have the authority to  
10 select the therapist for the minor child. (Video Citation: 11:05:47)

11 THE COURT FURTHER ORDERS that during the period the minor child is  
12 attending virtual schooling the child exchanges shall occur on Mondays at 3:30  
13 p.m. The Defendant's spouse, Alexandra, is permitted to do the child exchange.  
14 Whomever does the child exchanges is not permitted to leave their vehicle or roll  
15 down their window; there shall be no interaction between the adults. (Video  
16 Citation: 11:18:07).

17 THE COURT FURTHER ORDERS that a Brief Focus Assessment ("BFA")  
18 would be helpful for the Court. The Parties jointly selected Maureen Zelensky,  
19 MFT, to conduct the BFA. The Parties shall split the cost for the BFA. The  
20 deadline for the BFA to be submitted to the Court is December 15, 2020. (Video  
21 Citation 11:23:35; 11:26:40; and 11:35:48)

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THE COURT FURTHER ORDERS that discovery is open in this matter.

THE COURT FURTHER ORDERS that within ten (10) days each Party shall serve upon the other side their 2018 and 2019 Federal Income Tax Returns, and proof of income with year-to-date earnings. (Video Citation: 11:34:50)

THE COURT FURTHER ORDERS a Return Hearing is set on January 7, 2021, at 11:00 a.m., regarding the outcome of the BFA. (Video Citation: 11:26:20).

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated this 28th day of September, 2020

  
DISTRICT COURT JUDGE

Submitted this 25<sup>th</sup> day of September, 2020.

DAA 845 A65F EC41  
~~Bill Henderson  
District Court Judge~~  
Approved as to Content and Form this \_\_\_\_ day of September, 2020.

**ROBERTS STOFFEL FAMILY  
LAW GROUP**

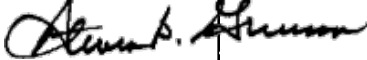
~~PAGE LAW OFFICES~~

By: 

By: \_\_\_\_\_

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10 Attorney for Defendant/Counterclaimant

11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **COUNTY OF CLARK**  
13 **STATE OF NEVADA**

14 MAGGIE J. ROE nka MAGGIE COX, } Case No.: D-11-450074-D  
15 } Dept. U  
16 Plaintiff/Counterclaimant, } **HEARING REQUESTED**  
17 vs. }  
18 JASON J. ROE, }  
19 }  
20 Defendant/Counterdefendant. }

21 ORAL ARGUMENT REQUESTED  X  YES   NO

22 **DEFENDANT'S MOTION FOR EMERGENCY INTERIM SOLE**  
23 **PHYSICAL CUSTODY, FOR HUNTER TO BE INTERVIEWED,**  
24 **AND**  
25 **FOR ATTORNEY'S FEES**

26 **NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE**  
27 **COURT AND PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14**  
28 **DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH**  
**THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY**  
**RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING**  
**PRIOR TO THE SCHEDULED HEARING DATE.**

29 Defendant, JASON J. ROE, by and through his counsel, Fred Page, Esq.  
30 hereby submits his Motion for Emergency Interim Sole Physical Custody, for  
31 Hunter to be Interviewed and for Attorney's Fees. This Motion is based upon the

1 papers and pleadings on file, the attached Points and Authorities, and any oral  
2 argument that the Court may wish to entertain.

3  
4 DATED this 17<sup>th</sup> day of March 2021

5 PAGE LAW FIRM

6  
7 

8 FRED PAGE, ESQ.  
9 Nevada Bar No. 6080  
10 6930 South Cimarron Road, Suite 140  
11 Las Vegas, Nevada 89113  
12 (702) 823-2888  
13 Attorney for Defendant

13 **POINTS AND AUTHORITIES**  
14 **I.**  
15 **FACTUAL BACKGROUND**

15 **A. Introduction**

16 Defendant, JASON ROE (hereinafter “Jason”) and MAGGIE COX  
17 (hereinafter “Maggie”) have one minor child, the issue of their marriage to wit:  
18 Hunter Thomas Roe (hereinafter “Hunter”) born November 9, 2009 (age 11).  
19

20 Jason has two children by a prior marriage, Taylor John Roe, born April 9,  
21 2002, (age 18) and Tori Ann Roe, born March 27, 2005 (age 15). Jason has an  
22 ideal relationship with his former spouse, Marianne, and there no issues of any  
23 kind between them. Jason is remarried to Alexandra Roe for a number of years  
24 now.  
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1 Maggie has been remarried and divorced again and has a minor child by her  
2 second marriage, Danica Cox, approximately age 5 or 6. Maggie's second divorce  
3 may reasonably be described as being high conflict as having been to court many  
4 times in that case as well.  
5

6 **B. Events Since the Las Hearing**  
7

8 The matter was last on before this Court on February 25, 2021. At that  
9 hearing, the Court went over the Brief Focused Assessment by Maureen Zelensky.  
10 The Brief Focused Assessment from Ms. Zelensky documented a series of very  
11 bizarre and concerning behaviors from Maggie demonstrating a complete lack of  
12 insight as to how her behaviors impacted others and complete emotional  
13 dysregulation.  
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16 Despite those very concerning behaviors that were documented, Ms.  
17 Zelensky gave Maggie the benefit of the doubt and recommended that Hunter and  
18 Maggie spend more quality one on one time together. Ms. Zelensky advised that if  
19 the situation did not improve, then alternative custodial arrangements could be  
20 considered.  
21  
22

23 On Sunday, March 7, 2021, Maggie had Hunter arrested. Maggie claimed  
24 that Hunter "attacked" herself and her mother, Peggy, who was in Las Vegas  
25 visiting. When Hunter was arrested, Hunter was taken to Child Haven.  
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1           That same day correspondence was sent to Maggie's counsel advising as to  
2 what occurred, that Jason would be picking Hunter up the following morning, and  
3 that it would be best if Hunter stayed with Jason for a while until things cooled  
4 down and that there was a therapy session between Hunter and Maggie.<sup>1</sup>

5  
6           The response to that correspondence was for Maggie to show up at 4:00 a.m.  
7 on the following morning on Monday when Child Haven opened and refuse to  
8 allow Jason to take Hunter, even though Jason's custodial time was going to begin  
9 at 3:30 p.m. on Monday. Maggie showed up with the Order and was hysterical  
10 telling the Metro officers that Hunter was "hers" and that Jason was not even  
11 permitted to hug Hunter or even have any contact with him.

12  
13           Jason indicates that he got Hunter at 3:30 p.m. later that Monday afternoon,  
14 and reports that Hunter was pretty despondent. Hunter said that Maggie told him  
15 that this would be on his permanent record and would now have trouble getting  
16 into schools and getting jobs. Hunter did indicate that Maggie was the aggressor  
17 and after Maggie was done hitting him is when her mother, Peggy, started videoing  
18 the incident.

19  
20           On March 10, 2021, because Hunter was fearful of returning to Maggie,  
21 correspondence was sent to Maggie's counsel. In the correspondence it was again  
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<sup>1</sup> A copy of the correspondence dated March 7, 2021, advising Maggie's counsel that Hunter had been arrested is attached for the Court's convenience as Exhibit A.

1 advised to Maggie's counsel that there is something terribly wrong with Maggie  
2 and to please do something about her. It was requested Maggie provide her  
3 agreement that Hunter will not have to return to her house until she and Hunter  
4 first get some counseling and/or some reunification therapy.<sup>2</sup>  
5

6 The response received back was that there would absolutely be no  
7 compromise, that Hunter would return to Maggie as set forth in orders.  
8 Accordingly, the courts orders were followed and on Monday, March 15, Hunter  
9 was returned to Maggie.  
10  
11

12 In the afternoon of March 16, Hunter sent a text to Jason, telling him that  
13 Maggie had stabbed him in the throat with a stick. Jason told Hunter to call 911.  
14 Jason called 911 as well and raced to Maggie's house.<sup>3</sup> When Jason got to  
15 Maggie's house, Metro was there as well as paramedics. The story Maggie gave  
16 the officers was that Hunter struck Danica with a stick and that she never attacked  
17 and stabbed Hunter in the throat. Because there were some marks on Danica's arm  
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23 <sup>2</sup> A copy of the correspondence dated March 10, 2021, to Maggie's counsel  
24 advising that there is something wrong with her client and to suspend contact until  
25 there is some counseling is attached for the Court's convenience as Exhibit B.

26 <sup>3</sup> Screenshots of the text messages sent by Hunter to Jason telling Jason that  
27 Maggie had stabbed him in the throat and Jason telling him to call 911 is attached  
28 for the Court's convenience as Exhibit C.

1 and there were no marks on Hunter's throat. Metro followed through with  
2 Maggie's demand and had Hunter arrested again.

3  
4 In an effort to avoid the filing of a Motion, an effort was made to reach out  
5 to Maggie's counsel to see if Maggie would stipulate to Jason having interim sole  
6 physical custody until this matter could be brought before the Court and everything  
7 settled down. Despite the serious allegations of escalations of physical violence  
8 and arrest that had just occurred, the effort to reach a compromise was met with an  
9 absolute no in all capital letters and exclamations points from opposing counsel.  
10  
11

12 Instead of reaching some compromise, the accusation was made that Hunter  
13 is really "fine" when he is at Maggie's, that Hunter was apologetic,<sup>4</sup> and any bad  
14 behavior on Hunter's part is because Jason is alienating<sup>5</sup> Hunter from Maggie.<sup>6</sup>  
15

16 This morning March 17, at about 4:30 a.m. or 5:00 a.m. Jason went to Child  
17 Haven to see if he could get Hunter. Jason reports Maggie was already there at  
18 Child Haven with all of her binders.  
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21  
22 <sup>4</sup> Hunter reported to Jason that the arrest would be on his permanent record and  
23 that Hunter would have a difficult time finding a job as an adult as a result.

24 <sup>5</sup> Given Maggie's histrionic behavior, and having him arrested, there is more than  
25 sufficient reason for Hunter to limit the contact he has with her as much as  
26 possible.

27 <sup>6</sup> A copy of the email string between counsel is attached for the Court's  
28 convenience as Exhibit D.

1 As Jason walked into the lobby Maggie screamed to the officers, "HE HAS  
2 A GUN!!!" in an apparent attempt to see if she could get the officers to draw their  
3 weapons on Jason and shoot.<sup>7</sup> Jason was swarmed by the two Metro officers that  
4 were already there and the two Marshals that were on duty.<sup>8</sup> Jason was asked if he  
5 had a weapon. Jason said "no" and he was searched. Of course, there was no  
6 weapon.<sup>9</sup> Jason reports that when Hunter was escorted out that he looked scared  
7 out his mind.  
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## 11 II. 12 GOVERNING LAW AND ARGUMENT

### 13 A. Custody Should be Changed on an Interim Basis

14 Nevada Revised Statute 125C.0045(1)(a) provides that "[d]uring the  
15 pendency of the action, at the final hearing or at any time thereafter during the  
16 minority of the child, make such an order for the custody, care, education,  
17 maintenance and support of the minor child as appears in his or her best interest."  
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22 <sup>7</sup> Maggie attempting to bait law enforcement into drawing their weapons and  
23 shooting the other parent should be seen as the ultimate form of parental alienation.

24 <sup>8</sup> The entire incident is available from the surveillance cameras as the Family  
25 Courthouse if the Court wants to verify.

26 <sup>9</sup> Jason did advise the officers after they were done searching him that they might  
27 want to check and see if Maggie had a weapon since they searched him.  
28

1 The recommendations from Ms. Zelensky have been a disaster. Maggie has  
2 no interest in compromising in an interim basis for Hunter's best interests. There  
3 was a grave concern yesterday before Jason had arrived at Maggie's house that  
4 Hunter had been seriously injured, or worse.  
5

6 Hunter's physical and mental health are being negatively impacted by being  
7 physically attacked by his own mother and then being incarcerated twice within  
8 two weeks. It is contrary to Hunter's best interests that Maggie's first response is  
9 to ask that Metro effect an arrest of her own child.  
10  
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12 The Nevada Supreme Court has stated, "in custody matters, the polestar for  
13 judicial decision is the best interests of the child." *Schwartz. Schwartz*, 812 P.2d  
14 1268, 1270-1271 (Nev. 1991). The level of conflict is escalating. What is  
15 happening cannot continue for Hunter's sake. Somebody is going to get seriously  
16 injured or possibly killed. Nobody wants that on their conscience. It is submitted  
17 that it is in Hunter's best interests that on an interim basis, until further evidence  
18 can be obtained, the counseling be undertaken, and that there is a cooling off  
19 period, that Jason receives sole physical custody effective immediately.  
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23 **B. Hunter Should be Interviewed or a Guardian Ad Litem Should be**  
24 **Appointed**

25 This request has been deferred on several occasions. Given Maggie's  
26 histrionic behavior, and Hunter being arrested twice now, and given Hunter's age,  
27  
28

1 it is submitted that Hunter be interviewed at the Family Mediation Center. The  
2 Court is authorized to enter such orders pursuant to NRCP 16.215.

3  
4 **C. Jason Should be Awarded the Attorney's Fees He Has Incurred**

5 Jason has done everything he can to try and reach a compromise and avoid  
6 the filing of this Motion. Fees should be awarded to Jason for this Opposition and  
7 Counter-motion. Attorney's fees may be awarded to Jason under *Brunzell v. Golden*  
8 *Gate National Bank*.<sup>10</sup> The undersigned is well experienced, the work requires  
9 something more than a passing knowledge of domestic relations law, the work is  
10 somewhat difficult and complex, the result should be considered as being  
11 successful, and the undersigned performed 100 percent of the work. Fees may  
12 also be awarded under NRS 18.010.  
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16  
17 **III.  
CONCLUSION**

18 WHEREFORE, Defendant, JASON ROE, respectfully requests that the  
19 Court enter orders.  
20

- 21 1. Immediately, on an interim basis, award Jason with sole physical custody.  
22  
23 2. That Hunter be interviewed by the Family Mediation Center.  
24  
25 3. Jason be awarded the attorney's fees that he has incurred, and;

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27 <sup>10</sup> 85 Nev. 345, 455 P.2d 31 (1969)  
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4. For any further relief that the Court deems proper and just.

DATED this 17<sup>th</sup> day of March 2021

PAGE LAW FIRM



---

FRED PAGE, ESQ.  
Nevada Bar No. 6080  
6930 South Cimarron Road, Suite 140  
Las Vegas, Nevada 89113  
(702) 823-2888  
Attorney for Defendant

**DECLARATION IN SUPPORT OF MOTION**

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I, JASON J. ROE, first being duly sworn, deposed declares and states:

That he is the Defendant in the above-entitled action; that he has read the above and foregoing MOTION and knows the contents thereof and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes them to be true.

Executed this \_\_\_\_\_ day of March 2021

*to be supplied*  
\_\_\_\_\_  
JASON J. ROE



1 **EPAP**  
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4 **PAGE LAW FIRM**  
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10 **Attorney for Defendant/Counterclaimant**

11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **COUNTY OF CLARK**  
13 **STATE OF NEVADA**

14 **MAGGIE J. ROE nka MAGGIE COX,**

Case No.: D-11-450074-D

Dept. U

Plaintiff/Counterclaimant,

vs.

15 **JASON J. ROE,**

Defendant/Counterdefendant.

16  
17 **DEFENDANT'S EX PARTE APPLICATION AND DECLARATION IN**  
18 **SUPPORT REQUEST FOR AN ORDER SHORTENING TIME**  
19 **ON**  
20 **MOTION FOR EMERGENCY INTERIM SOLE PHYSICAL CUSTODY,**  
21 **FOR HUNTER TO BE INTERVIEWED,**  
22 **AND**  
23 **FOR ATTORNEY'S FEES**

24 Defendant, JASON J. ROE, by and through his counsel, Fred Page, Esq.  
25 hereby submits his Ex Parte Application and Declaration in Support for an Order  
26 Shortening Time on His Motion for Emergency Interim Sole Physical Custody, for  
27  
28

1 Hunter to be Interviewed and for Attorney's Fees.

2 DATED this 17<sup>th</sup> day of March 2021

3

4

PAGE LAW FIRM

5

6



FRED PAGE, ESQ.

7

Nevada Bar No. 6080

8

6930 South Cimarron Road, Suite 140

9

Las Vegas, Nevada 89113

10

(702) 823-2888

11

Attorney for Defendant

12

**APPLICATION AND DECLARATION OF FRED PAGE, ESQ., IN  
SUPPORT OF REQUEST FOR AN ORDER SHORTENING TIME**

13

14

Fred Page, Esq. being duly sworn, under oath, declares and states as follows:

15

16

1. I am the attorney of record for Defendant, Jason Roe.

17

18

2. On Sunday, March 7, 2021, Maggie had Hunter arrested. Maggie claimed that Hunter "attacked" herself and her mother, Peggy, who was in Las Vegas visiting.

19

20

21

3. When Hunter was arrested, Hunter was taken to Child Haven.

22

23

4. Maggie refused to compromise and allow things to settle down for a while.

24

25

26

5. On Tuesday, March 16, 2021, Jason received a text from Hunter stating that Maggie had stabbed him in the throat with a stick.

27

28

6. Jason called 911 and raced to Maggie's house.



*Heather L. Smith*  
CLERK OF THE COURT

1 **OST**  
2 **FRED PAGE, ESQ.**  
3 **NEVADA BAR NO. 6080**  
4 **PAGE LAW FIRM**  
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11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **COUNTY OF CLARK**  
13 **STATE OF NEVADA**

14 **MAGGIE J. ROE nka MAGGIE COX,** } **Case No.: D-11-450074-D**  
15 } **Dept. U**  
16 } **03/22/2021 at 9:30AM**  
17 } **via Video Conference**  
18 **Plaintiff/Counterclaimant,**  
19 **vs.**  
20 **JASON J. ROE,**  
21 **Defendant/Counterdefendant.**

22 **ORDER SHORTENING TIME**

23 **Good cause appearing,**

24 **IT IS HEREBY ORDERED that Defendant, JASON J. ROE'S Ex Parte**  
25 **Application for an Order Shortening Time on his Motion for Emergency Interim**  
26 **Sole Physical Custody, for Hunter to be Interviewed and for Attorney's Fees is**

27 **///**  
28 **///**  
**///**


1 granted. The hearing on the Motion shall be shortened to the 22 day of  
2 March 2021, at 9:30AM via Video Conference (BlueJeans).

3  
4 DATED this 17<sup>th</sup> day of March 2021 Dated this 18<sup>th</sup> day of March, 2021

5  
6 

7  
8 DISTRICT COURT JUDGE  
9 EEA 585 98DF F95E  
10 Dawn R. Throne  
11 District Court Judge

12 Respectfully submitted:  
13 PAGE LAW FIRM

14   
15 FRED PAGE, ESQ.  
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19 (702) 823-2888  
20 Attorney for Defendant  
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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

Maggie Cox, Plaintiff

CASE NO: D-11-450074-D

vs.

DEPT. NO. Department U

Jason J Roe, Defendant.

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 3/18/2021

"Fred Page, Esq." .

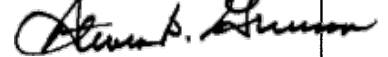
fpage@pagelawoffices.com

Roberts Stoffel Family Law Group .

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Admin Admin

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9 EMAIL: efile@lvfamilylaw.com  
10 Attorneys for Plaintiff, Maggie Cox

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

11 MAGGIE J. ROE (nka MAGGIE COX),  
12 Plaintiff,  
13 v.  
14 JASON J. ROE,  
15 Defendant.

Case No: D-11-450074-D  
Dept No: U

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S EMERGENCY  
MOTION; AND  
COUNTERMOTION RENEWING  
MOTION TO MODIFY.  
DECLARATION OF MAGGIE  
COX.**

Date of Hearing: March 22, 2021  
Time of Hearing: 9:30 a.m.

*Oral Argument Requested: Yes*

21  
22 COMES NOW the Plaintiff, Maggie Cox, by and through her attorney,  
23 Amanda M. Roberts Esq., of Roberts Stoffel Family Law Group, and hereby  
24 submits this Opposition to Defendant's Emergency Motion; and Countermotion for  
25 an Award of Attorney's Fees and Costs.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**  
**Issues**

1. Jason’s request for emergency sole physical custody should be denied.
2. Jason’s request for Hunter to be interviewed should be granted, but not at Family Mediation Center, but with Maureen Zelensky.
3. Jason’s request for attorney’s fees should be denied.
4. Maggie’s request for a modification of physical custody should be granted.
5. Maggie’s request for an award of attorney’s fees and costs should be granted.
6. For any and all other relief the Court deems proper and just.

Dated this 23rd day of March, 2021.

**ROBERTS STOFFEL FAMILY LAW GROUP**

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**II.**  
**Procedural Defects**

*EDCR* § 5.514 (c) states, “Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.” In this matter, Maggie alleges that there were no exigent circumstances which warranted Jason failing to serve the Motion before requesting an Order Shortening Time. Maggie alleges this type of gamesmanship has gone on throughout the litigation, including Jason’s most recently filed Financial Disclosure Form which fails to provide all of his spouse’s income as directed by the Court because “household income” is relevant to setting child support.

**III.**  
**Statement of Facts**

The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”), were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born November 9, 2009. The Parties have joint legal and physical custody of Hunter pursuant to the Court’s Order.

1           On February 25, 2021, the Parties' last appeared before the Court on a return  
2 hearing from the Brief Focus Assessment ("BFA") with Maureen Zelensky. At the  
3 hearing, Maggie pointed out that Maureen Zelensky indicated that Maggie had been  
4 alienated from Hunter. Maggie also pointed out the following from the report of  
5 Maureen Zelensky:  
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- 7
- 8           ▪ Page 13,
    - 9           • "Hunter tends to grant more credibility to information  
10           provided to him by his father, even when there are no  
11           supporting facts."
    - 12           • "Hunter buys into his father's contentious issues, such as  
13           not having had any holidays with him, even though his  
14           father's employment kept him busy during the major  
15           celebratory days."
    - 16           • "While both parents use restriction of technology as a  
17           punishment, Hunter judged those comparable actions by  
18           his parents as "reasonable" by his father, but not so by his  
19           mother."
  - 20           ▪ Page 13,
    - 21           • "[S]he (Maggie) hasn't shared that information with  
22           Hunter, due to not wanting to burden him with Court  
23           matters or speak of ways in which the other parent had  
24           violated prior Orders."
    - 25           • "Maggie has refrained from sharing information with  
26           Hunter, even when it has clearly agitated him..."
  - 27           ▪ Page 14,
    - 28           • "Maggie has been stringently adhering to expectations of  
            the Court, in terms of not involving the child in adult  
            matters and parental conflict."
    - "Since Hunter has been provided only one-sided  
            information from Jason, it is easy to see why his  
            relationship with Maggie has become strained."
    - "[I]t appears that Maggie's relationship has become  
            alienated from Hunter."

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- “Some the stories which Hunter shared without prompting, involved negative memories . . . not necessarily related directly to a topic at hand, which made this specialist wonder if Hunter had been coached, or at the minimum others had conversed with him repeatedly about those instances, in an effort to negatively influence Hunter’s view of his mother.”
  - Programming of a child- “as Hunter does report believes the assertions of Jason, regarding Maggie’s shortcomings.”
  - “The power struggle between Maggie and Hunter seems to be accelerated by Jason, by his reported undermining of Maggie’s role as his mother, speaking about her in a demeaning manner, questioning of her credentials, etc.”
- Page 15,
    - “Jason has now twice informed Maggie of medical emergencies **via email**: when Hunter broke his leg while skiing, along with the most recent vicious dog attack.”

As was explained at the hearing, the evaluation with Maureen Zelensky ended on January 13, 2021, and there was approximately six (6) weeks between that period and the hearing date.<sup>1</sup> As such, there had been substantial changes in the relationship between Hunter and Maggie, and it was deteriorating because of Hunter’s alignment with Jason, and Hunter’s belief that he would “get to go to Court” and meet with the Judge. At one point Hunter has said to Maggie, “This is a toxic environment. I’m going to tell the Judge I want to live with my dad.”

Since that time, Hunter’s behavior in Maggie’s household has become out of control and he is more aligned with Jason, even mimicking the same things Jason

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<sup>1</sup> During that extended period between the evaluation and the hearing, Maggie had entered into counseling as suggested by Maureen Zelensky. A letter from Maggie’s therapist is attached to the companion filing as **Exhibit “1”** and is fully incorporated herein by reference.

1 says to Maggie. Maggie has followed the Court Order, she engages in Hunter's  
2 therapy and is working on addressing the issues Maureen Zelensky raised in her  
3 report. However, Hunter remains so aligned with Jason that anything she says or  
4 does is wrong!

6 On March 7, 2021, Maggie and Hunter spent enjoyable time together with a  
7 Mother-Son lunch followed by a walk together. This was one-on-one time when  
8 Danika was being cared for by Maternal Grandmother. Upon returning to Maggie's  
9 house, Maggie informed Hunter he needed to work on schooling and could not have  
10 his cellular telephone until his homework was completed. Hunter became irrational  
11 because he could not have his cellular telephone and "pushed, punched, and  
12 kicked" Maggie.<sup>2</sup> At one point, he grabbed Maggie's arm, twisting it behind her  
13 back. As such, when it had gone on for a considerable period of time and Hunter  
14 refused to back down and was becoming more violent. While Hunter was yelling at  
15 Maggie, he proceeded to grab her arm and punch her in the abdomen to try and get  
16 his cell phone back. Hunter also kicked Maggie in the leg immediately after  
17 punching her." This was documented through videos.<sup>3</sup> Hunter then went to the  
18 garage. When Maternal Grandmother went to the garage moments later, Hunter  
19 was not present and it appeared he left on his scooter, she inquired with three  
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26 <sup>2</sup> There are videos of both incidents available for the Court to review.

27 <sup>3</sup> Jason alleges that Maggie was hitting Hunter; however, there were no marks on Hunter, the only  
28 person with marks was Maggie.

1 neighbors who were outside if they had seen Hunter, to no avail. As such, Maternal  
2 Grandmother contacted the police for assistance. The police were dispatched to  
3 Maggie's house and the police reports include that Hunter was "yelling" and "irate  
4 about his cell phone being taken away."<sup>4</sup> When the police arrived, Hunter had still  
5 not returned to the house, but the police located him in the nearby park moments  
6 later. When the police spoke with him, Hunter did not admit or remember hitting  
7 Maggie. However, the videos documented his behavior. As such, the police took  
8 Hunter into custody for a cooling off period at the Juvenile Justice Center for two  
9 (2) counts of domestic battery 1<sup>st</sup> offense under *NRS* § 200.485.1. Jason was  
10 promptly notified of the incident.<sup>5</sup>

14 Rather than allow Maggie to handle the situation, Jason rushed down to the  
15 Juvenile Justice Center and attempted to intercept the minor child.<sup>6</sup> When Maggie  
16 arrived, Jason was waiting for her in the parking lot and Maggie alleges that Jason  
17 refused to allow her to enter the Juvenile Justice Center and the police were called  
18 to safely allow her to enter and exit with Hunter. When Maggie was finally able to  
19 retrieve Hunter from the Juvenile Justice Center, Hunter was remorseful for his

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23 <sup>4</sup> A copy of the police reports are attached to the companion filing as **Exhibit "2"** and are fully  
incorporated herein by reference.

24 <sup>5</sup> To be clear, this happened on a Sunday and Hunter was release before business on Monday  
morning.

25 <sup>6</sup> Jason wanted to pick-up Hunter although it was not his custodial time, and the Juvenile Justice  
Center and police had already determined Hunter could be returned to Maggie's care and custody.  
26 Hunter did not need additional cooling off as Jason alleged. If Jason told Hunter to stop the  
27 behavior, it probably would put an end to the problems that are occurring.

1 conduct, apologetic and indicated he would not engage in such acts in the future.

2 Hunter was even loving with Maggie, easily showing her affection.

3  
4 On March 16, 2021, Maggie was outside with Hunter and Danika. Hunter  
5 was using a stick to hit a punching bag. Hunter become upset and started making  
6 threatening remarks to Maggie and Danika, so Danika was sent inside while  
7 Maggie tried to deescalate the situation by telling Hunter to put down the stick.  
8 Maggie directs Hunter to drop the stick and he refuses, repeatedly trying to bring it  
9 into the house. Maggie tries to take the stick away. During the incident, Maggie  
10 was struck multiple times with the stick and bitten by Hunter, as confirmed by the  
11 police reports. Upon entering the home, Hunter went into Maggie's room and  
12 began throwing things to get to his cell phone and then went into his bedroom. It  
13 appears he thereafter texted or messaged Jason through his Mac Book wherein he  
14 claims that Maggie stabbed him in the neck with the stick. Jason responded  
15 "Wtf[.]" Additionally, "Do you need my help??" and "Why did she stab you[?]"  
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19 The police confirmed through videos that Hunter was in fact threatening  
20 Maggie and Danika with the stick.<sup>7</sup> When Hunter described the incident to the  
21 police, he indicated "while they were struggling his teeth could have gone into her  
22 [Maggie's] right arm but he was unsure." The police noted that Hunter did not  
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26 <sup>7</sup> There was no story that Danika had been injured by Hunter. Again, Jason is jumping to  
27 conclusions and taking actions without fully comprehended the gravity of the situation. Again,  
28 the police reports show that Jason's story is not truthful.

1 have any injuries or appear to be stabbed. The police noted that Maggie had been  
2 hit by Hunter “with the stick two times in the left arm, that Hunter had bit Maggie’s  
3 left arm, that Maggie had two marks on her left arm which further corroborated her  
4 recollection of the incident, and that Maggie had video of the incident which further  
5 corroborated **Hunter’s violent behavior . . . determined that Hunter was the**  
6 **primary aggressor[.]” {EMPHASIS ADDED}** As a result, Hunter was charged  
7 with domestic batters 1<sup>st</sup> offense pursuant to *NRS* § 200.485.1A. Again, Hunter was  
8 transported to the Juvenile Justice Center for a cooling off period.  
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11 After Hunter was arrested and taken the Juvenile Justice Center there were  
12 various emails going back and forth between Maggie’s Counsel/Attorney Roberts  
13 and Jason’s Counsel/Fred Page. A copy of the emails is attached to the companion  
14 filing as **Exhibit “3”** and are fully incorporated herein by reference. The  
15 allegations that Attorney Roberts typed one word to Attorney Page in caps, the  
16 word “NO” related to marks on Hunter, i.e., there were no marks on Hunter.  
17 Attorney Roberts tried to use logic with Attorney Page, explaining that Jason’s  
18 claims did not make sense; however, Attorney Page was unable to set aside his  
19 client’s clear position and look at the whole picture.  
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23 Early in the morning on March 16, 2021, Maggie went to pick-up Hunter at  
24 the Juvenile Justice Center, Jason had been waiting at the facility for over an hour  
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1 according to security officers who intercepted Maggie at the door.<sup>8</sup> Jason was  
2 making statements to Maggie and the security officer told Maggie not to respond.  
3  
4 Jason was irritated and raising his voice, saying the following for the officers and  
5 others to hear:

- 6 • “[S]he’s crazy as shit.”
- 7 • “No, I’m not doing that today, because SHE (while pointing at  
8 Maggie) called the cops on him last week, had him arrested.  
9 This is a civil matter... you ask him “Hunter” where he goes.”
- 10 • Jason then stands up and abruptly walks towards Maggie. The  
11 security guard is in between Maggie and Jason, and stops him  
12 from progressing. Maggie says, “Sir, Sir” to get officer to make  
13 sure to intervene as she is fearful of Jason.
- 14 • Jason yells, “I’m going to stay right here and video tape her just  
15 like she’s videotaping me.”
- 16 • Security officer backs Jason up to the chairs he was originally  
17 sitting at.
- 18 • Jason says loudly, “She is a violent devil! Look at her!”
- 19 • **“I WAS THERE! I WAS THERE WHEN SHE STABBED  
20 HIM IN THE THROAT!”<sup>9</sup> {EMPHASIS ADDED}**
- 21 • “She is Satan.”
- 22 • “She does not belong in humanity.”
- 23 • “What kind of mother arrests her son?”
- 24 • “She’s crazy.”
- 25 • “Yeah.. exactly. This is what I’m dealing with. Crazy...  
26 Crazy... Crazy.”
- 27 • “She is not stable.”
- 28 • “She’s not sane.”
- “She is unstable.”
- There is an emergency Order and CPS is involved.

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25 <sup>8</sup> Again, Jason’s statements to the Court are untrue because the security officer says he has been  
26 waiting for over an hour. At some point, Jason’s credibility has to be questioned by the Court.

27 <sup>9</sup> Jason will say and do anything to further his position! Jason was not present and Maggie did not  
28 stab Hunter.

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- “It just doesn’t seem fair that if there is domestic violence, that he goes back to the place where SHE committed domestic violence.”

To be clear, the verbal assaults that Maggie regular receives from Hunter are mimicking the words that Jason said to the security officers and police on March 16, 2021. Jason’s behavior shows that he is unable to control himself, providing the child with litigation related materials and saying negative things to Hunter about Maggie. Hunter’s behavior in yelling/screaming at Maggie, saying negative things and becoming physical are manifesting themselves as learned behaviors from Jason!

When asked by security how the police ended up at Maggie’s residence on March 16, 2021, Jason admits “yes” he called the police. When the police arrive, due to Jason refusing to allow Maggie to pick-up Hunter on her custodial time the police speak with everyone separately. The police officer says to Maggie, “So you’re not even the one who called [the police]. He [Jason] called thinking that you’re the one who did all this stuff to your son.”

Jason raised the issue about firearms. The security officers spoke with each Party about firearms. Maggie was asked at least four (4) times if she had a firearm.

1 Jason had a firearm in his vehicle and brought a knife into the courthouse which  
2 was taken by security.<sup>10</sup>  
3

4 Due to the issues from the first arrest, it was suggested that Maggie and  
5 Hunter participate in the program called, "The Harbor" at the Family Courthouse.<sup>11</sup>  
6 Maggie set up an appointment and some female called into "The Harbor" and  
7 changed Maggie's telephone number to Jason's telephone number and Maggie's  
8 address to Jason's address. Therefore, the staff at "The Harbor" had to reset  
9 everything and give Maggie knew codes to participate in the program, including  
10 changing/restoring Maggie's telephone number. Changing the address means that  
11 the program was set up out of North Las Vegas instead of Henderson where Maggie  
12 resides. It seems suspicious that someone of female orientation would call "The  
13 Harbor" and change Maggie's telephone number to Jason's telephone number and  
14 her address to Jason's, it if was not someone at Jason's direction. Again, this goes  
15 to Jason's willingness to manipulate any situation in an attempt to gain a benefit.  
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24 <sup>10</sup> Maggie never screams "HE HAS A GUN!!!" as alleged by Jason. Maggie was not the one  
25 screaming, Jason was screaming. Counsel is going to Subpoena the videos from that day to  
26 establish for the Court that Jason's statements are untrue and he cannot be believed.

27 <sup>11</sup> Maggie was informed that this was supposed to be her and Hunter participating because it was  
28 happening at her house. Jason would not be participating.

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**IV.**  
**Opposition**

A. Jason's request for emergency sole physical custody of Hunter should be denied.

NRS § 125C.0045 (1)(a) provides the Court the authority to modify physical custody. As the parents have joint physical custody, it must only be proven that a modification of physical custody would be in Hunter's best interest. *Truax v. Truax*, 110 Nev. 437, 874 P.2d 10 (1994). NRS § 125C.0035 (4) provides the best interest factors the Court must consider, additional factors may also be considered as this list is not all inclusive.

Jason seems to be under the impression that Maureen Zelensky's recommendation about revisiting the custodial arrangement in six (6) months if Hunter continued to "have a negative perception, aggressive behaviors, and/or overall disrespect for his mother" means that the more Hunter acts out that Maureen Zelensky was going to recommend that Hunter be primarily in Jason's care. Maggie's sees the recommendation completely different. Remember, Hunter believes that he is going "get to go to Court" and meet with the Judge where he will tell the Judge, " I want to live with my dad." Hunter is under a mistaken belief that if he continues to act out and be inappropriate, he will be given whatever he wants which Maggie does not believe is in Hunter's best interest.

1 As set forth herein, during his fits of rage against Maggie, Hunter  
2 yells/screams and parrots Jason's statements to or toward Maggie. The incident at  
3 the Juvenile Justice Center where Jason continues to say inappropriate things about  
4 Maggie and too Maggie are an indication of what Jason is doing in his household.  
5 We know he is involving Hunter based upon the report of Maureen Zelensky  
6 whereas, Maggie shields Hunter to her detriment.  
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9 Yes, the police have been involved twice recently. Jason alleges that Maggie  
10 is the aggressor; however, law enforcement have determined that Hunter is the  
11 aggressor in both situations. Jason faults Maggie for calling the police, but he  
12 called the police on at least one (1) of the incidents hoping that Maggie would be  
13 arrested; neither time did Maggie ask that Hunter be arrested, it is a mechanism of  
14 the legal system when the police are called.<sup>12</sup> Remember, Jason claims he was  
15 present when this allegedly happened to the security officers and police. Jason's  
16 recitation of facts is simply not credible, and should be taken into consideration by  
17 the Court.  
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21 Jason did not do a full analysis of the best interest factors; moreover, Hunter  
22 living primarily with Jason would not be in his best interest. Therefore, Jason's  
23 request should be denied.  
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25 <sup>12</sup> When the police inquired with Maggie, she was given two (2) options each time: (1.) have  
26 Hunter taken to the Juvenile Justice Center for twelve (12) hours or (2.) have Hunter arrested with  
27 a court date. Both times Maggie selected the Juvenile Justice Center for the "cooling off"  
28 periods. On the most recent arrest, Maggie asked that the police not take Hunter because he had a  
counseling appointment scheduled that evening, but she was told that was not an option.



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V.  
Countermotion

A. Maggie's request for the Court to temporarily grant her more custodial time with limited contact between Jason and Hunter should be granted.

In this matter, the Parties currently share joint physical custody. As a result of the issues presently being addressed, Maggie is seeking a modification of physical custody. Thus, Maggie must simply establish that a modification of physical custody would be in the child's best interest. *Truax v. Truax*, 110 Nev. 437, 874 P.2d 10 (1994). *NRS* § 125C.0035 (4) provides the best interest factors the Court must consider, additional factors may also be considered as this list is not all inclusive. The factors are as follows:

Wishes of the Child-

In this matter, Hunter is only eleven (11) years old. Hunter is triangulated into parent conflict and is causing him to act out verbally and physical. Most recently, Hunter was arrested twice for domestic violence upon his Mother. As such, Hunter is not of a sufficient age and capacity to state of preference.

Nomination of Guardian-

This factor is not relevant to the present action.

Frequent Association and Continuing Relationship-

In this matter, Maggie alleges that she is the compliant parent who would ensure frequent association and a continuing relationship. In contrast, Maggie

1 alleges that Jason has engaged in a pattern of conduct, including showing up at the  
2 Juvenile Justice Center repeatedly although it was not his custodial time to try and  
3 intercept Hunter. Jason continually interferes in Maggie custodial timeshare.  
4

5 Level of Conflict-

6 This matter has always been high conflict. In high conflict parenting  
7 situations, it is better for the child to be primarily in one parent care to reduce  
8 exchanges and conflict. Jason creates conflict by involving Hunter in litigation,  
9 showing him information which should be kept confidential and failing to keep  
10 Maggie informed of emergency situations which happen during his custodial  
11 timeshare. As such, this factor favors Maggie's position.  
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14 Ability of the Parents to Cooperate-

15 As set forth herein, Jason does not want to cooperate and co-parent Hunter.  
16 Maggie raises issues about Hunter's statements and behaviors which cannot be  
17 described as anything other than inappropriate. Jason's response was, "*Hunter tells*  
18 *it like it is and that's an admirable quality.*" It would seem that the Court could  
19 draw a conclusion that Jason is saying or doing things to demean Maggie in  
20 Hunter's eyes and cause him to be triangulated into parental conflict. It also  
21 solidifies that Jason is the parent who refuses to cooperate and creates the conflict.  
22 Therefore, this factor favors Maggie's position.  
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1           Mental and Physical Health of the Parents-

2           Maggie alleges she is in good mental and physical health. Maggie is treating  
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4 with a therapist as recommended by Maureen Zelensky and a correspondence from  
5 the therapist was provided to the Court.

6           Maggie does not know the status of Jason’s mental and physical health.  
7  
8 Maggie has concerned about Jason’s behavior, but she is unsure if those concerns  
9 raise to the level of mental health issues that impact Jason’s ability to provide for  
10 Hunter’s best interest. These are very concerning and should not be simply  
11 overlooked by the Court.

12  
13           To this end, this factor should be viewed as neutral by the Court unless it is  
14 determined through the assessment requested that there are issues with a parents  
15 mental or physical health.

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17           Physical, Developmental and Emotional Needs of Child-

18           Again, Hunter is eleven (11) years old. At his age, Hunter should be forming  
19 stronger peer relationships, experiencing peer pressure, approaching puberty,  
20 becoming more independent from family, having a point of view, etc.<sup>13</sup> Although  
21 some of these things are happening, Hunter is struggling emotionally which is  
22 impacting his developmental and physical needs. Hunter has withdrawn from  
23 Maggie and her family with whom he previously had a close and loving  
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27 <sup>13</sup> <https://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/middle2.html>

1 relationship. Besides becoming withdrawn, Hunter is physically violent with  
2 Maggie and his sister; and he says things which are not age appropriate for an  
3 eleven (11) year old. As an example, how would Hunter know if during her  
4 pregnancy with him that Maggie wished for a girl over a boy? That is not  
5 something that Maggie would have shared because all she wanted was a healthy  
6 child. So, where is Hunter getting these ideas? It is not logical that he would  
7 formulate those ideas on his own without hearing something or being told  
8 something. Additionally, the longer periods that Hunter is with Jason or withheld  
9 against the Court Order, Hunter becomes more despondent and bad-mannered;  
10 Hunter is under the impression Maggie improperly medicated him. Again, these  
11 are not things that an eleven (11) year old could articulate. Therefore, this factor  
12 favors Maggie's position for primary physical custody.

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17 *Nature of Relationship with Parents-*

18 Hunter is so triangulated into the parental conflict and enmeshed with Jason's  
19 position that his relationship with Maggie is strained. Maggie believes this is  
20 because of Jason's improper communication and behaviors when Hunter is in his  
21 care. This includes Jason allowing his current wife and ex-wife to speak negatively  
22 about Maggie on social media which is viewed by the child. This just should not  
23 happen. To disengage Hunter, he needs to have a longer period in Maggie's care  
24 and restricted access with Jason pending repair to his relationship with Maggie and  
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1 then shorter periods of visitation. Therefore, this factor favors Maggie's position  
2 for primary physical custody.

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4 Sibling Relationship-

5 Hunter has siblings on both sides of his family. Previously, Hunter had a  
6 close of loving relationship with Danika; however, that relationship has changed.  
7 That relationship needs to be repaired to ensure that he grows up and has healthy  
8 relationship with his sibling.  
9

10 Abuse or Neglect-

11 This factor is not relevant to the present action.  
12

13 Abduction-

14 In this matter, Maggie alleges that Jason has engaged in acts of abduction  
15 pursuant to NRS § 200.359 (1)(a) and (2). Repeatedly, Jason has withheld Hunter  
16 from Maggie when it is not his custodial time which is "a limited right to custody"  
17 and by violating the Court Orders and refusing to comply with Maggie's Court  
18 Ordered timeshare with Hunter. Maggie alleges Jason engages in this behavior to  
19 undermine her parental relationship with Hunter in attempt to sway Hunter's  
20 perceptions and behaviors. As such, this factor should favor Maggie's request for  
21 primary physical custody.  
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24 Domestic Violence-

25 This factor is not relevant to the present action.  
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Conclusion-

Based upon the foregoing, Maggie requesting she be awarded primary physical custody of the minor child during a closely monitored period of reunification and for the Court to set a status check in ninety (90) days.

B. Maggie’s request for attorney fees and costs should be granted.

Maggie presents the issues outlined herein in good faith and it is anticipated she will be the prevailing Party, and in accordance with *NRS* §18.010, she should be entitled to an award of attorney’s fees and costs from Jason. Maggie would argue that pursuant to *EDCR* § 7.60 (b)(1) and (3), Jason should be sanctioned by the Court for his continued behavior including misrepresentation/mischaracterization of facts and lack of credibility.

One of the prevailing cases regarding attorney fees is *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). In *Brunzell* the Nevada Supreme Court set forth the factors, now known as the Brunzell Factors, which the Court considered “well known basic elements to be considered” when awarded attorney fees. The Court said each factor should be According the Brunzell Factors are as follows:

- 1. The quality of advocacy,<sup>14</sup>
- 2. The character of the work to be done,<sup>15</sup>

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<sup>14</sup> When considering the quality of the advocacy the Court should look at the attorney’s ability, training, education, professional standing, and skill.

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- 3. The work actually performed by the lawyer;<sup>16</sup> and
- 4. The results obtained.

**Quality of Advocacy**

Maggie’s Counsel has been practicing law since 2005 and focuses her practice area primarily in the area of family law, and she is in good standing with the State Bar of Nevada. Maggie’s Counsel participated in a weekly radio show geared at the Clark County community, focused on issues relative to family law.

Yearly, Maggie’s Counsel attends continuing legal education classes to stay abreast of changes in the area of family law. Through a practice primarily in family law, Maggie’s Counsel has drafted countless Motions, argued before the District Court and Hearing Master on issues related to domestic violence/custody/divorce/adoption/termination of parental rights, brought and defended individuals at Trials and Evidentiary Hearings. Additionally, Maggie’s Counsel has taken cases on Appeal to the Supreme Court of Nevada.

**Character of Work Done**

Due to the fact that Maggie’s Counsel practices primarily in the area of family law, she has regularly dealt with issues involved in violations of terms of

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<sup>15</sup> When considering the character of the work to be done the Court should look at the difficulty, intricacy, importance, time, skill required, the responsibility imposed, and the character of the Party when they have a relevancy to the litigation.

<sup>16</sup> When considering the work performed the Court should consider the skill, time, and attention given to the work.

1 Family Court related Orders, child support enforcement, arrears, and wage  
2 assignments.

3  
4 **Work Performed**

5 Maggie's Counsel maintains a billing system and will prepare, upon the  
6 request of this Court, a billing statement to address the actual attorney fees  
7 extended by Maggie relative to the Motion and hearing. Maggie is billed at a rate of  
8 \$300.00 per hour which is a rate on par with other attorneys practicing primarily in  
9 the area of family law.  
10

11  
12 **VI.**  
**Conclusion**

13 Therefore, based upon the foregoing, Maggie requests this Court to enter an  
14 Order:  
15

- 16 1. Denying Jason's request for emergency sole physical custody of  
17 Hunter.
- 18 2. Granting Jason's request for Hunter to be interviewed, but with  
19 Maureen Zelensky.
- 20 3. Denying Jason's request for an award of attorney's fees.
- 21 4. Granting Maggie's request for primary physical custody with limited  
22 contact with Jason should be granted, with assistance from Maureen  
23 Zelensky if the Court deems it appropriate.

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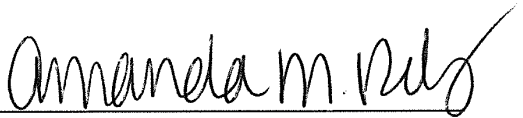
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5. Granting Maggie's request for an award of attorney's fees and costs.

6. Any and all related relief the Court deems just and proper.

Dated this 23<sup>rd</sup> day of March, 2021.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By:   
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
4411 S. Pecos Road  
Las Vegas, Nevada 89121  
PH: (702) 474-7007  
FAX: (702) 474-7477  
EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

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**DECLARATION OF MAGGIE COX**

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

1. I am the Plaintiff in the above entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of the foregoing Reply in Support of her Opposition and Countertermotion.

2. I have read the foregoing Opposition and Countertermotion and can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matters stated upon information and belief, and as to those matters, Declarant believes them to be true.

3. Declarant incorporates all the facts of the Opposition and Countertermotion into this declaration as though fully set forth herein.

**FURTHER DECLARANT SAYETH NAUGHT.**

Dated this 21<sup>st</sup> day of March, 2021.

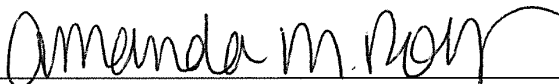
By:           /s/ Maggie Cox            
Maggie Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,  
and on the 23<sup>rd</sup> day of March, 2021, I served by and through Wiz-Net electronic  
service, pursuant Clark County District Court Administrative Order 14-2 for service  
of Documents Identified In Rule 9 Of The N.E.F.C.R., the foregoing Plaintiff's  
Opposition to Countermotion, to the following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By:   
Employee of Roberts Stoffel Family Law Group

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

MAGGIE COX  
Plaintiff/Petitioner  
v.  
JASON ROE  
Defendant/Respondent

Case No. D-11-450074-D  
Dept. U

**MOTION/OPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

|                                     |             |  |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | <b>\$25</b> | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  |
| -OR-                                |             |  |
| <input type="checkbox"/>            | <b>\$0</b>  | The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:  |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.   |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.  |
| <input type="checkbox"/>            |             | The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. |
| <input type="checkbox"/>            |             | Other Excluded Motion (must specify) _____.  |

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

|                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | <b>\$0</b>   | The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:  |
| <input checked="" type="checkbox"/> |              | The Motion/Opposition is being filed in a case that was not initiated by joint petition.   |
| <input type="checkbox"/>            |              | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$129</b> | The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$57</b>  | The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129. |

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

|                          |            |                                     |             |                          |             |                          |             |                          |              |                          |              |
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| <input type="checkbox"/> | <b>\$0</b> | <input checked="" type="checkbox"/> | <b>\$25</b> | <input type="checkbox"/> | <b>\$57</b> | <input type="checkbox"/> | <b>\$82</b> | <input type="checkbox"/> | <b>\$129</b> | <input type="checkbox"/> | <b>\$154</b> |
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Party filing Motion/Opposition: Amanda Roberts Date 3/23/21

Signature of Party or Preparer /s/ Amanda

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

|               |   |                        |
|---------------|---|------------------------|
| MAGGIE COX,   | ) | Case No: D-11-450074-D |
|               | ) | Dept No: U             |
| Plaintiff,    | ) |                        |
|               | ) |                        |
| v.            | ) |                        |
|               | ) |                        |
| JASON J. ROE, | ) |                        |
|               | ) |                        |
| Defendant.    | ) |                        |

**ORDER APPOINTING GUARDIAN AD LITEM**

This matter having come on for hearing on the 22<sup>nd</sup> day of March 2021, before the Honorable District Court Judge Dawn R. Throne, with Plaintiff, Maggie Cox and represented by Amanda M. Roberts, Esq., with Defendant, Jason J. Roe and represented by Fred Page, Esq., appearing and good cause appearing therefore:

IT IS HEREBY ORDERED that **Shelly B. Cooley, Esq.** is appointed as the Guardian Ad Litem for the Minor Child: Hunter T. Roe born on November 9, 2009 (Age 11). The following is the contact information for Attorney Cooley: 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145, 702-265-4505 and email [scooley@cooleylawlv.com](mailto:scooley@cooleylawlv.com).

...  
...

1 IT IS FURTHER ORDERED that Plaintiff and Defendant shall make contact  
2 with Ms. Cooley within 3 business days of the entry of this order to retain her  
3 services and execute all documents required by her to start her services as soon as  
4 possible.  
5

6 IT IS FURTHER ORDERED that the Guardian Ad Litem shall zealously  
7 advocate for the best interest of the minor child in a manner that will enable the  
8 Court to determine the best interest pursuant to NRS 125C.0035.  
9

10 IT IS FURTHER ORDERED that the Guardian Ad Litem shall advocate for  
11 the best interest of the minor child based on admissible evidence available to the  
12 Guardia Ad Litem. The Guardian Ad Litem shall conduct an independent  
13 investigation and assessment of the facts to carry out the directives of this Order  
14 and may submit recommendations to the Court that are based on admissible  
15 evidence.  
16  
17

18 IT IS FURTHER ORDERED that the Guardian Ad Litem shall not be a  
19 witness and shall not testify or be cross-examined. The Guardian Ad Litem shall  
20 not be subject to a subpoena, except to the extent an attorney representing the minor  
21 child would be subject to a subpoena. The Guardian Ad Litem shall participate in  
22 the Evidentiary Hearing and shall be allowed to question witnesses and make  
23 opening and closing statements.  
24

25  
26 . . .  
27

1 IT IS FURTHER ORDERED that the Guardian Ad Litem is an officer of the  
2 Court and a representative of the minor child and is not a party to the case.

3 IT IS FURTHER ORDERED that the Guardian Ad Litem may meet with the  
4 minor child as many times as the Guardian Ad Litem deems fit to assist her in her  
5 investigation. These meetings with the minor child shall not be taped, recorded,  
6 etc. as they are not being used as children testimony.  
7

8 IT IS FURTHER ORDERED that the Guardian Ad Litem shall be entitled to  
9 copies of any information, records, documents, data and reports in the parties'  
10 possession that the parties deem helpful to the Guardian Ad Litem and her  
11 investigation.  
12

13 IT IS FURTHER ORDERED that the Guardian Ad Litem may speak to the  
14 parents without Counsel being present. If Counsel elects to be present during any  
15 of the meetings, Counsel must advise the Guardian Ad Litem in writing of this  
16 election. No conversations with the parents shall be recorded, taped, etc. by the  
17 Guardian Ad Litem or the parents.  
18

19 IT IS FURTHER ORDERED the Guardian Ad Litem shall not have attorney-  
20 client privilege with any party to this action, nor with the minor child of this action.  
21 Guardian Ad Litem does not represent the Plaintiff, Defendant or the minor child of  
22 this action.  
23  
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1 IT IS FURTHER ORDERED that the Guardian Ad Litem's report(s) shall be  
2 provided directly to the Court confidentially and then Court shall arrange  
3 distribution of the report(s) to counsel for both parties.  
4

5 IT IS FURTHER ORDERED that the Guardian Ad Litem is requested to  
6 provide services to the parties at the reduced hourly rate of **\$200 per hour**, with the  
7 parents each paying one-half of the retainer and the fees for Guardian Ad Litem.  
8 The Court also requests that the Guardian Ad Litem start services in this case with  
9 the minor child as soon as possible and provide the Court with an interim report by  
10 April 30, 2021, if possible. If the Guardian Ad Litem is unable to meet that  
11 deadline for any reason, the Guardian Ad Litem shall advise the Court in writing,  
12 with a copy to counsel for both parties.  
13  
14

15 Dated this 22nd day of March, 2021

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18 4F9 08F 5B48 789F  
19 Dawn R. Throne  
20 District Court Judge  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamped date, a copy of the attached Order Appointing Guardian Ad Litem to be E-SERVED and EMAIL to the following parties/attorneys to:

**AMANDA M. ROBERTS, ESQ.**  
[efile@lvfamilylaw.com](mailto:efile@lvfamilylaw.com)  
Attorney for Plaintiff

**FRED PAGE, ESQ.**  
[fpagelawoffices.com](mailto:fpagelawoffices.com)  
Attorney for Defendant

**SHELLY B. COOLEY, ESQ.**  
[scooley@cooleylawlv.com](mailto:scooley@cooleylawlv.com)  
Court Appointed Guardian Ad Litem

/s/ Suzanna Zavala  
Suzanna Zavala  
Judicial Executive Assistant to the  
Honorable Dawn R. Throne

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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

|                         |                        |
|-------------------------|------------------------|
| Maggie Cox, Plaintiff   | CASE NO: D-11-450074-D |
| vs.                     | DEPT. NO. Department U |
| Jason J Roe, Defendant. |                        |

**AUTOMATED CERTIFICATE OF SERVICE**

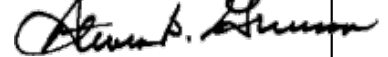
This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order Appointing Guardian Ad Litem was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 3/22/2021

|                                    |                          |
|------------------------------------|--------------------------|
| "Fred Page, Esq." .                | fpage@pagelawoffices.com |
| Roberts Stoffel Family Law Group . | efile@lvfamilylaw.com    |
| Admin Admin                        | Admin@pagelawoffices.com |

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 3/23/2021

|                  |  |
|------------------|--|
| Amanda Roberts   | 4411 S Pecos RD<br>Las Vegas, NV, 89121                    |
| Claudia Schwarts | 1820 E Warm Springs RD STE 125<br>Las Vegas, NV, 89119     |
| Fred Page        | 6930 South Cimmaron Road Suite 140<br>Las Vegas, NV, 89113 |



DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

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6 MAGGIE COX,

7 Plaintiff

Case No.: D-11-450074-D

Dept. U

8 vs.

9 JASON J. ROE,

10 Defendant.

11  
12 **CASE AND EVIDENTIARY HEARING/NON-JURY TRIAL**  
13 **MANAGEMENT ORDER**

14 TO COUNSEL AND LITIGANTS IN PROPER PERSON: This Order sets  
15 forth critical dates and times for the major proceedings in this case. It is the  
16 responsibility of the attorneys for the litigants or the litigants where appearing in  
17 proper person, to meet the deadlines and to appear for the following required  
18 proceedings:  
19

20 **Non-Jury Trial Date/Evidentiary Hearing Date:**

21 THURSDAY, JUNE 24, 2021 at 1:30PM (stack #1)

22 **Calendar Call Date:**

23 N/A

24 **Discovery Cutoff Date:**

25 MONDAY, MAY 24, 2021 by 5:00PM

26 **Pre-Memorandum/Brief due date:**

27 FRIDAY, JUNE 18, 2021 by 5:00PM

28 RETURN HEARING: MAY 13, 2021 at 2:00PM

1                    *The failure to appear for the Evidentiary Hearing Date may result in a*  
2 *dismissal of the case, a default judgment against the non-appearing party, or*  
3 *other appropriate sanctions, consistent with EDCR 2.69.*  
4

5                    **IT IS HEREBY ORDERED** that failure by counsel or litigants to meet  
6 the requirements of NRCP 16.2 and/or 16.205, the above deadlines, failure to  
7 appear as required by this Order, failure to substantially prepare or to participate  
8 in the proceedings in good faith, including failure at a Settlement Conference  
9 (SC) to submit settlement proposals and to participate in settlement negotiations  
10 in good faith, may result in sanctions, and the party or attorney may be required to  
11 pay reasonable expenses and attorney's fees incurred due to noncompliance with  
12 this Order, (see NRCP 37(b)(2)(B), (C), (D), NRCP 16(f), EDCR 2.68, EDCR  
13 2.69, EDCR 5.88). The failure to appear for a particular proceeding pursuant to  
14 this Order may result in a dismissal of the case, a default judgment against the  
15 non-appearing party, or other appropriate sanctions.  
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19  
20                    **DISCOVERY PLAN**

21                    The parties shall participate in the discovery process in good faith and may  
22 utilize all discovery methods provided in NRCP 26 through NRCP 36,  
23 commencing 30 days after service of the summons and complaint. Each party  
24 shall provide to the other party the required disclosures provided in NRCP 16.2(b)  
25 or NRCP 16.205.  
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1 Any objection to the authenticity or genuineness of documents provided to  
2 the other party must be made in writing within 21 calendar days of the date the  
3 receiving party receives them. Absent such an objection, the documents shall be  
4 presumed authentic and genuine and shall not be excluded from evidence on these  
5 grounds.  
6

7  
8 Each party shall provide to other party the name and, if known, the address  
9 and telephone number of each individual who may be called as a witness at any  
10 stage of the proceedings, including for impeachment or rebuttal, identifying the  
11 subjects of the information for which the individual may be called. All fact  
12 witnesses must be designated by no later than 21 days before the discovery  
13 cutoff.  
14

15  
16 Each party shall disclose to other party the identity of any person who may  
17 be used at trial to present expert testimony. These disclosures must be made  
18 within 30 days after the financial disclosure form is required to be filed and  
19 served under Rule 16.2(b)(2) or, if the evidence is intended solely to contradict or  
20 rebut evidence on the same subject matter identified by another party, within 21  
21 days after the disclosure made by the other party. The parties shall supplement  
22 these disclosures when required under Rule 26(e)(1).  
23

24  
25 Failure to timely disclose all Experts and Witnesses or to timely provide  
26 Expert Reports and Exhibits shall result in their exclusion at the Evidentiary  
27 Hearing absent good cause shown.  
28

1 Each party shall provide the other party a copy of each document or other  
2 exhibit, including summaries of other evidence, which a party expects to offer as  
3 evidence at trial in any manner. These disclosures must be made by no later than  
4 7 days after the close of discovery. Not less than 14 days before trial, a party may  
5 serve any objection, together with the grounds therefore, that may be made to the  
6 admissibility of materials identified. Objections not so disclosed, other than  
7 objections under NRS 48.025 and 48.035, shall be deemed waived unless excused  
8 by the court for good cause shown.  
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12 **CALENDAR CALL/CONTINUANCES**  
13

14 **IT IS FURTHER ORDERED** that all attorneys for litigants and **litigants**  
15 **in proper person** must appear by Video Conference (BlueJeans) in **Department**  
16 **U** for the calendar call at the date and time set forth above.  
17

18 Such conferences are conducted pursuant to NRCP 16.2 and/or  
19 16.205, EDCR 2.68, EDCR 2.69, and EDCR 5.88. Counsel or proper person  
20 litigants are to provide the following to opposing counsel/proper person  
21 litigant, copying the Court with the following prior to the calendar call:  
22 witness and exhibit lists, one set of original exhibits ready for marking by the  
23 Clerk (with two courtesy copies: one for the other party, one for the Court),  
24 and any other discovery items sought to be introduced at trial.  
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1 Pursuant to Administrative Order 20-10, exhibits will need to be  
2 submitted electronically *4 days before Calendar Call*. In order to initiate the  
3 electronic evidence submission request for a Non-Jury Trial or Evidentiary  
4 Hearing, you must send an email to [FCEvidence@ClarkCountyCourts.us](mailto:FCEvidence@ClarkCountyCourts.us).  
5 Upon the email request, you will receive a link with instructions as to how  
6 and where to upload the evidence (the link will only be available for 24  
7 hours). *See Court's Exhibit #1 for more information.*

8  
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11 **DO NOT FILE EXHIBITS WITH THE COURT**

12 *Failure to provide foregoing may result in such exhibits or evidence*  
13 *being excluded or other appropriate court-imposed sanctions against*  
14 *counsel or party in proper person.*

15  
16 **IT IS FURTHER ORDERED** that this case will be tried in such an order  
17 as the Court directs. A half-day setting is three hours, and a full-day setting is six  
18 hours. The available time is divided equally between the parties. Requests for  
19 continuances shall be in writing and served upon opposing counsel/party if in  
20 proper person, and a hearing shall be held on the merits at least three (3) days  
21 prior to the time of trial. Sanctions may be imposed if undue delay is exercised in  
22 bringing motions to continue or any other action that will disturb the trial date.  
23 For good cause shown, where both counsel or parties stipulate at the calendar call,  
24 and where the Court does not disagree, the Court has the discretion to grant an  
25 oral request for a continuance.  
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**PRE-TRIAL MEMORANDUM/BRIEF**

**IT IS FURTHER ORDERED** that the Brief or Pre-Trial Memorandum shall be filed **four days** before the calendar call. A courtesy copy of same shall be delivered to the Judge's chambers electronically (DeptULC@clarkcountycourts.us) and served on opposing counsel the same day. The Pre-Trial Memorandum shall substantially comply with the form attached hereto, including the marital balance sheet. *See Court's Exhibit #2 for more information. Failure to submit the Brief or Memorandum 4 days before Calendar Call, absent the Court's approval, may result in the date being vacated and the matter being rescheduled in ordinary course.*

**DISCOVERY DEADLINE**

Discovery deadline shall be thirty days (30) prior to the date, unless stipulated in writing otherwise.

**SETTLEMENT DURING PENDENCY OF THE ACTION**

If this case is settled during the pendency of this action, counsel for the parties or litigants in proper person shall exercise due diligence in advising the department and the clerk by providing a Stipulation and Order to that effect, so that any future hearing dates can be vacated.

Dated this 31 day of MARCH, 2021.

  
\_\_\_\_\_  
**DAWN R. THRONE**  
District Court Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamp date a copy of the foregoing Case and Evidentiary Hearing/Non-Jury Trial Management Order was ESERVED, EMAIL or MAIL pursuant to NEFCR 9 to be served by ESERVED, EMAIL to the following attorneys/parties to:

Amanda M. Roberts, Esq.  
efile@lvfamilylaw.com  
Attorney for Plaintiff

Fred Page, Esq.  
fpage@pagelawoffices.com  
Attorney for Defendant

Shelly Cooley, Esq.  
scooley@cooleylawlv.com  
Court Appointed Guardian Ad Litem

*/s/ Suzanna Zavala*  
\_\_\_\_\_  
Suzanna Zavala  
Judicial Executive Assistant to the  
Honorable Dawn R. Throne

***COURT'S EXHIBIT 1***

**DIRECTIONS FOR COMPLETING EXHIBIT LIST**

**\*\*EXHIBITS ARE NOT FILED\*\***  
**\*\*FOR EVIDENTIARY HEARINGS AND TRIALS\*\***

Please contact the Clerk's office at [FCEvidence@clarkcountycourts.us](mailto:FCEvidence@clarkcountycourts.us) to receive a link to download your Exhibits.

On the following form put either Plaintiff or Defendant on the line before the word EXHIBITS. Put your case number in the appropriate space.

If you are the Plaintiff, all of your exhibits will be identified by NUMBERS.  
(Example: Exhibit 1, Exhibit 2, etc.)

If you are the Defendant, all of your exhibits will be identified by LETTERS OF THE ALPHABET. (Example: Exhibit A, Exhibit B, etc.)

You must identify each section of your exhibits and mark them with a divider which identifies the exhibit. Exhibits are not to be bunched together in one group of papers and are to be numbered in the lower right corner.

Example: Exhibit 1 or Exhibit A

3 pages of bank statements would be tabbed with the appropriate number or letter and submitted together.

2 pages of employment information would be tabbed with the appropriate number or letter and submitted together.

\*\*\*\*\*

Exhibits must be downloaded and submitted to the opposing party by the Discovery cut-off date.

***COURT'S EXHIBIT 2***

PRE-TRIAL MEMORANDUM

I.

STATEMENT OF ESSENTIAL FACTS

- A. Names and ages of the parties.
- B. Date of Marriage.
- C. Resolved issues, including agreed resolution.
- D. Statement of unresolved issue.

II.

CHILD CUSTODY

- A. Names, birth dates, and ages of the children.
- B. Statement of provisions setting forth your requested custody and visitation order. If some issues of legal and/or physical custody are resolved, note the resolution and define the disputed areas. Specific suggested order provisions are requested.

III.

CHILD SUPPORT

A. Prepare and attach an Affidavit of Financial Conditions. If one has been previously prepared, an updated and current form is required only if there are changes to prior affidavits. However, the most current affidavit is required to be attached.

B. Set forth with specificity the amount of support requested to be paid and a brief statement of any special factors which you believe impact the amount of support to be paid.

IV.

SPOUSAL SUPPORT

A. State whether spousal support is requested and if so, whether the support requested is permanent or rehabilitative.

B. If spousal support is requested, state the amount of support requested and if rehabilitative, the duration for which support is requested.

C. Set forth the factors, in brief, that you request the Court consider in establishing the amount of support or in denying or limiting the amount of support requested by the other party.

D. If an Affidavit of Financial Conditions has not been submitted, and support is requested, each party must submit and attach a current Affidavit of Financial Conditions or attach a copy of any previously filed Affidavit providing that the previously filed affidavit is current.

V.

PROPERTY AND DEBTS

A. Prepare a list of all substantial property in accordance with the property Exhibit attached hereto. This Exhibit is required to be complete to the best information of the parties.

B. Prepare a list of all secured and unsecured indebtedness including the creditors names, amount owed, and property secured by the obligation in accordance with the debt Exhibit attached hereto.

C. Define all contested legal and factual issues intended to be presented to the Court at time of trial regarding property and debts.

VI.

ATTORNEY'S FEES

If request is made for payment of attorney=s fees and

costs, provide the amount of fees and costs incurred to date. Note additionally the amount of fees that have been paid and the amount remaining due and owing.

VII.

LIST OF WITNESSES

Other than the parties and resident witness, list all witnesses intended to be called by you. Further provide a brief summary of the witnesses= anticipated testimony.

VIII.

LIST OF EXHIBITS

List and identify specifically each item of evidence intended to be introduced by you at the time of trial.

IX.

UNUSUAL LEGAL OR FACTUAL ISSUES PRESENTED

List all other unusual legal or factual issues that you anticipate will be raised at trial. Sufficiently explain the issues presented so that the Court may understand the issues presented clearly. Citations of authorities should also be provided.

X.

LENGTH OF TRIAL

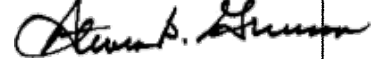
Length of Trial: \_\_\_\_\_

This Memorandum is a form only but should be followed where possible. Additional sections may be included at the discretion of the party. The intention is to provide the Court with a clear indication of the resolved and unresolved issues to expedite the trial time and to assist the Court in reaching a fair and speedy decision.

ASSET SCHEDULE

| ASSET  | Your opinion regarding value (gross) | Manner in which title is held | Name of Creditor with secured obligation on asset & loan balance | PROPOSED DISTRIBUTION    |
|--|--------------------------------------|-------------------------------|--|--------------------------|
| <b>Example:</b><br>Home<br>4444 Fourth<br>St. Las Vegas,<br>NV | \$100,000                            | Joint tenancy                 | AAA Mortgage Co.<br>\$45,000                                     | Sell and divide proceeds |
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**MOTN**  
Amanda M. Roberts, Esq.  
State of Nevada Bar No. 9294  
**ROBERTS STOFFEL FAMILY LAW GROUP**  
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Las Vegas, Nevada 89121  
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EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Roe

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

MAGGIE J. ROE (nka MAGGIE COX),) Case No: D-11-450074-D  
) Dept No: U  
Plaintiff, )  
v. ) **NOTICE OF MOTION AND**  
) **MOTION FOR APPOINTMENT**  
JASON J. ROE, ) **WITH REUNIFICATION EXPERT,**  
) **FOR SUPPLEMENT TO BRIEF**  
Defendant. ) **FROM ZELENSKY, FOR AN**  
) **AWARD OF ATTORNEY FEES**  
) **AND COSTS, AND RELATED**  
) **RELIEF; DECLARATION OF**  
) **PLAINTIFF.**  
)  
) Date of Hearing:  
) Time of Hearing:  
)  
) **Oral Argument Requested**  
)

TO: Defendant, Jason J. Roe, by and through his attorney of record, Fred  
Page, Esq.

**YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS  
MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE**

1 **UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN**  
2 **FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION.**  
3 **FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE**  
4 **COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS**  
5 **MOTION MAY RESULT IN THE REQUESTED RELIEF BEING**  
6 **GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE**  
7 **SCHEDULED HEARING DATE.**

8 COMES NOW the Plaintiff, Maggie Cox, by and through her attorney of  
9 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and  
10 hereby moves this Court for the following:

- 11 1. Maggie's request for appointment of a reunification therapist should be  
12 granted;
- 13 2. Maggie's request for Maureen Zelensky to supplement her Brief Focus  
14 Assessment should be granted;
- 15 3. Maggie's request for attorney fees and costs should be granted; and  
16
- 17 4. Any and all related relief the Court deems just and proper.

18 DATED this 14<sup>th</sup> day of April, 2021.

19 **ROBERTS STOFFEL FAMILY LAW GROUP**

20  
21 By: Amanda M. Roberts

22 Amanda M. Roberts, Esq.  
23 State Bar of Nevada No. 9294  
24 4411 South Pecos Road  
25 Las Vegas, Nevada 89121  
26 PH: (702) 474-7007  
27 FAX: (702) 474-7477  
28 EMAIL: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**  
**Statement of Facts**

The Parties to this action, Maggie Cox (“Maggie”) and Jason Roe (“Jason”), were divorced pursuant to a Decree of Divorce filed on February 6, 2013. The Parties have one (1) minor child, to wit: Hunter Roe (“Hunter”), born November 9, 2009. The Parties had joint legal and physical custody of Hunter pursuant to the Court’s Order. At the most recent hearing, the Court modified the custodial designation and Jason currently has sole legal and physical custody.

**Reunification**

At the hearing on March 22, 2021, the Court Ordered that Hunter’s therapist, Sandy Miller (“MILLER”) would act in the capacity to conduct reunification between Maggie and Hunter, and Maggie’s only contact with Hunter would be through MILLER and sessions with The Harbor.<sup>1,2</sup> However, since the hearing, MILLER has indicated that Hunter should continue with her for therapy and that reunification should be done with a different provider. As such, Maggie requests the Court enter an Order granting reunification between Maggie and Hunter, and

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<sup>1</sup> Maggie has had email contact from Harbor saying Hunter is participating. Maggie has directly asked Harbor if there was anything for parents and was told no.

<sup>2</sup> The Court based its Order on the issues which resulted in Hunter being detained on March 7-8, 2021 and March 16-17, 2021 at the Juvenile Justice Center. Those dates, Hunter was acting in a manner of complete disrespect and his behavior was out of control.

1 those expenses be equally split between the Parties.<sup>3</sup> Maggie proposes one of the  
2 following providers for reunification:

- 3 • Anna Trujillo,
- 4 • Donna Wilburn, or
- 5 • Keisha Weiford.

6 Supplemental Evaluation

7  
8 On or about August 27, 2020, Judge Henderson enter an Order for a Brief  
9 Focus Assessment to be performed by Maureen Zelensky (“ZELENSKY”). On  
10 February 22, 2021, ZELENSKY submitted her report which was completed on  
11 January 13, 2021. During that five (5) week period, Maggie alleges that things  
12 were getting worse with Hunter and he continued to act out and say things  
13 inappropriately to her which she alleges are a mimic of things Jason has said to her  
14 throughout their relationship and during their coparenting relationship. Maggie  
15 also pointed out the following from the report of Maureen Zelensky:

- 16  
17  
18 ■ Page 13,
  - 19 • “Hunter tends to grant more credibility to information
  - 20 provided to him by his father, even when there are no
  - 21 supporting facts.”
  - 22 • “Hunter buys into his father’s contentious issues, such as
  - 23 not having had any holidays with him, even though his
  - 24 father’s employment kept him busy during the major
  - 25 celebratory days.”
  - 26 • “While both parents use restriction of technology as a
  - 27 punishment, Hunter judged those comparable actions by

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<sup>3</sup> Research tells us that the longer that there is a delay in the reunification process the more detrimental it is to parent-child relationship, and the delay in reunification will impair the process causing a delay in reunification.

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his parents as “reasonable” by his father, but not so by his mother.”

- Page 13,
  - “[S]he (Maggie) hasn’t shared that information with Hunter, due to not wanting to burden him with Court matters or speak of ways in which the other parent had violated prior Orders.”
  - “Maggie has refrained from sharing information with Hunter, even when it has clearly agitated him...”
- Page 14,
  - “Maggie has been stringently adhering to expectations of the Court, in terms of not involving the child in adult matters and parental conflict.”
  - “Since Hunter has been provided only one-sided information from Jason, it is easy to see why his relationship with Maggie has become strained.”
  - “[I]t appears that Maggie’s relationship has become alienated from Hunter.”
  - “Some of the stories which Hunter shared without prompting, involved negative memories . . . not necessarily related directly to a topic at hand, which made this specialist wonder if Hunter had been coached, or at the minimum others had conversed with him repeatedly about those instances, in an effort to negatively influence Hunter’s view of his mother.”
  - Programming of a child- “as Hunter does report believes the assertions of Jason, regarding Maggie’s shortcomings.”
  - “The power struggle between Maggie and Hunter seems to be accelerated by Jason, by his reported undermining of Maggie’s role as his mother, speaking about her in a demeaning manner, questioning of her credentials, etc.”
- Page 15,
  - “Jason has now twice informed Maggie of medical emergencies **via email**: when Hunter broke his leg while skiing, along with the most recent vicious dog attack.”

1 Hunter's alignment with Jason, and Hunter's belief that he would "get to go  
2 to Court" and meet with the Judge. At one point Hunter has said to Maggie, "This  
3 is a toxic environment. I'm going to tell the Judge I want to live with my dad."

4  
5 On March 7, 2021, Maggie and Hunter spent enjoyable time together having  
6 lunch followed by a walk together. This was one-on-one time when Danika was  
7 being cared for by Maternal Grandmother. Upon returning to Maggie's house,  
8 Maggie informed Hunter he needed to work on schooling and could not have his  
9 cellular telephone until his homework was completed. Hunter became upset  
10 because he could not have his cellular telephone and "pushed, punched, and  
11 kicked" Maggie.<sup>4</sup> At one point, he grabbed Maggie's arm, twisting it behind her  
12 back. While Hunter was yelling at Maggie, he proceeded to grab her arm and  
13 punch her in the abdomen to try and get his cell phone back. Thereafter, Hunter ran  
14 away from Maggie's residence.  
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18 Hunter has claimed that Maggie was hitting him. Maggie claims this is not  
19 true and Hunter continues to make untruthful statements which align with his  
20 goals.<sup>5</sup> Maggie would also point out that Hunter had not a single mark or injury on  
21

22  
23 <sup>4</sup> A copy of the video is attached to the companion filing as **Exhibit "1"** and is fully incorporated  
herein by reference.

24 <sup>5</sup> The best example of this situation is as explained by ZELENSKY related to Maggie's  
25 education. Hunter steadfastly believes that Maggie does not have a degree and is lying about it.  
26 This is despite Maggie being employed as a teacher with the Clark County School District, and  
27 having won awards for her work with children. This is something that someone has stressed to  
Hunter which the Court cannot reasonably believe is coming from Maggie or her family  
members.

1 his body. Hunter will do and say anything to perpetuate his goal which is to live  
2 with Jason and talk to this Court, and the Court is allowing this to happen by  
3 placing Hunter with Jason solely.  
4

5 At the hearing on March 22, 2021, the Court seemed distressed by the police  
6 being called. However, Hunter had run away from Maggie's residence. The  
7 responsible thing to do as a parent is to contact the police to ensure the child is  
8 located safely. Again, the police were only called after he could not be located and  
9 Maggie/Maggie's Mother had spoken with neighbors trying to locate Hunter. The  
10 police were doing their job, investigating the issues leading to Hunter running away  
11 from Maggie's residence. As such, after speaking with the individuals involved  
12 and watching the videos, the police took Hunter into custody for a cooling off  
13 period at the Juvenile Justice Center for two (2) counts of domestic battery 1<sup>st</sup>  
14 offense under *NRS* § 200.485.1.<sup>6</sup> Jason was promptly notified of the incident.  
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18 Additionally, at the hearing on March 22, 2021, the Court seem distressed  
19 that Maggie did not allow Jason to retrieve Hunter from the Juvenile Justice Center.  
20 Maggie took her direction from the police at is relates to who was supposed to  
21 retrieve Hunter. Also, Maggie wanted the ability to show Hunter that she was not  
22 upset with him about the incident, and ensure he knew how much she loved him.  
23 Maggie believes she was instructed by MILLER to reassure Hunter and make sure  
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26 <sup>6</sup> Maggie wants to be clear, Hunter was not taken to Child Haven alleged by Jason, Hunter was  
27 taken to the Juvenile Justice Center.

1 he knows that she loves him. Sending him with Jason meant she would not have  
2 been able to re-enforce her love and affection for him after the stressful incident  
3 and would send a mixed message.  
4

5 On March 16, 2021, Maggie was outside with Hunter and Danika. Hunter  
6 was using a stick to hit a punching bag. Hunter become upset and started making  
7 threatening remarks to Maggie and Danika, so Danika was sent inside while  
8 Maggie tried to deescalate the situation by telling Hunter to put down the stick.  
9 Maggie directs Hunter to drop the stick and he refuses, repeatedly trying to bring it  
10 into the house.<sup>7</sup> Hunter refuses to drop the stick and entered the house with the  
11 stick. Hunter continued to hit Maggie with the stick, but she successfully was able  
12 to take it away from Hunter. During the incident, Maggie was struck multiple times  
13 with the stick and bitten by Hunter, as confirmed by the police reports. Once she  
14 was able to get the stick away from Hunter, Maggie hid the stick in her bedroom.  
15 When Maggie returned from her bedroom, Hunger was on the floor in the dining  
16 room and starts complaining he was hurt on his neck, but he refuses to allow  
17 Maggie to look at his alleged injury. Hunter suddenly jumped up, obviously not  
18 hurt, and ran into Maggie's room to retrieve the stick and/or his cellular phone.  
19 Hunter laid on his back on Maggie's bed and kicked Maggie with both fees in her  
20 stomach. Thereafter, Hunter ran into his room, at which time it is believed he used  
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26 <sup>7</sup> A copy of the video from the incident is attached to the companion filing as **Exhibit "2"** and is  
27 hereby fully incorporated herein by reference.

1 his MacBook to contact Jason claiming that Maggie stabbed him in the neck with  
2 the stick. Jason responded “Wtf[.]” Additionally, “Did she leave a mark?”, “Do  
3 you need my help??” and “Why did she stab you[?]”  
4

5 The police confirmed through videos that Hunter was in fact threatening  
6 Maggie and Danika with the stick. When Hunter described the incident to the  
7 police, he indicated “while they were struggling his teeth could have gone into her  
8 [Maggie’s] right arm but he was unsure.” The police noted that Hunter did not  
9 have any injuries or appear to be stabbed. The police noted that Maggie had been  
10 hit by Hunter “with the stick two times in the left arm, that Hunter had bit Maggie’s  
11 left arm, that Maggie had two marks on her left arm which further corroborated her  
12 recollection of the incident, and that Maggie had video of the incident which further  
13 corroborated Hunter’s violent behavior . . . determined that Hunter was the primary  
14 aggressor[.]” As a result, Hunter was charged with domestic batters 1<sup>st</sup> offense  
15 pursuant to *NRS* § 200.485.1A. Again, Hunter was transported to the Juvenile  
16 Justice Center for a cooling off period.  
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21 Early in the morning on March 17, 2021, Maggie went to pick-up Hunter at  
22 the Juvenile Justice Center, Jason had been waiting at the facility for over an hour  
23 according to security officers who intercepted Maggie at the door.<sup>8</sup> Jason was  
24

25 \_\_\_\_\_  
26 <sup>8</sup> Again, Jason’s statements to the Court are untrue because the security officer says he has been  
27 waiting for over an hour. At some point, Jason’s credibility has to be questioned by the Court.  
28 When Maggie saw that Jason was already present, Maggie made a video at the entrance to the

1 making statements to Maggie and the security officer told Maggie not to respond.  
2 Jason was irritated and raising his voice, saying the following for the officers and  
3 others to hear:  
4

- 5 • “[S]he’s crazy as sh\*t.”
- 6 • “No, I’m not doing that today, because SHE (while pointing at  
7 Maggie) called the cops on him last week, had him arrested.  
8 This is a civil matter... you ask him “Hunter” where he goes.”
- 9 • Jason then stands up and abruptly walks towards Maggie. The  
10 security guard is in between Maggie and Jason, and stops him  
11 from progressing.
- 12 • Jason says loudly, “She is a violent devil! Look at her!”
- 13 • **“I WAS THERE! I WAS THERE WHEN SHE STABBED  
14 HIM IN THE THROAT!”<sup>9</sup> {EMPHASIS ADDED}**
- 15 • “She is Satan.”
- 16 • “She does not belong in humanity.”
- 17 • “What kind of mother arrests her son?”
- 18 • “She’s crazy.”
- 19 • “Yeah.. exactly. This is what I’m dealing with. Crazy...  
20 Crazy... Crazy.”
- 21 • “She is not stable.”
- 22 • “She’s not sane.”
- 23 • “She is unstable.”
- 24 • There is an emergency Order and CPS is involved.
- 25 • “It just doesn’t seem fair that if there is domestic violence, that  
26 he goes back to the place where SHE committed domestic  
27 violence.”

21 To be clear, the verbal assaults that Maggie regular receives from Hunter are  
22 mimicking the words that Jason said to the security officers and police on March  
23 17, 2021. Jason’s behavior shows that he is unable to control himself, providing

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25 Family Courthouse. A copy of the video is attached to the companion filing as **Exhibit “3”** and  
is fully incorporated herein by reference.

26 <sup>9</sup> Jason will say and do anything to further his position! Jason was not present and Maggie did not  
27 stab Hunter.

1 the child with litigation related materials and saying negative things to Hunter about  
2 Maggie. Hunter's behavior in yelling/screaming at Maggie, saying negative things  
3 and becoming physical are manifesting themselves as learned behaviors from  
4 Jason!

6 When asked by security how the police ended up at Maggie's residence on  
7 March 16, 2021, Jason admits "yes" he called the police. When the police arrive,  
8 due to Jason refusing to allow Maggie to pick-up Hunter on her custodial time the  
9 police speak with everyone separately. The police officer says to Maggie, "So  
10 you're not even the one who called [the police]. He [Jason] called thinking that  
11 you're the one who did all this stuff to your son."

14 Jason raised the issue in his Motion about firearms at the Family Courthouse  
15 security entrance/foyer, but his story is grossly exaggerated and not a true reflection  
16 of the events.<sup>10</sup> Jason alleges when he arrived into the lobby that Maggie screamed  
17 to the officers, "*HE HAS A GUN!!!*" in an apparent attempt to see if she could get  
18 the officers to draw their weapons on Jason and shoot." Jason was already present  
19 before Maggie arrived; as such, Jason's allegations are untrue and misrepresented  
20 to enflame the Court. No police officers were present when Jason and/or Maggie  
21 arrived, there was only security officers in the lobby; again this is a untrue  
22 statement and misrepresentation that Metro officers and security officers  
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27 <sup>10</sup> See Jason's Motion filed March 17, 2021, at Page 7.

1 “swarmed” him. The security officers spoke with each Party, inquiring if either of  
2 them had any weapons. Maggie responded she did not have any weapon. Jason  
3 indicates in his Motion that he responded “No” when asked if he had any weapons  
4 and that, “Of course, there was no weapon.” Jason also alleged in his Ex Parte  
5 Application filed concurrently with his Motion that upon being searched, “... of  
6 course, Jason had no weapon.”<sup>11</sup> However, at some time Jason admitted to officers  
7 that had a knife on him and a gun in his truck which is why Jason was frisked and  
8 the knife was removed from his possession. Thereafter, likely as a result of Jason  
9 admitting to having a gun in his vehicle, the security officers contacted Metro.  
10 Maggie was asked at least four (4) times if she had a firearm, therefore, the  
11 inquiries regarding weapons were not directed solely at Jason.<sup>12</sup> Jason’s version of  
12 the events are a gross exaggeration to enflame the situation and cause the Court to  
13 be incensed which is essentially what happened.<sup>13</sup>

14 Due to the severity of the issues involved since ZELENSKY ended her  
15 interaction with the family on January 13, 2021, Maggie believes her involvement  
16 would be helpful to the Court. Specifically, ZELENSKY indicated that she “would  
17 not recommend changing the weekly custodial schedule at this time, as all of the  
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24 <sup>11</sup> See Ex Parte Application for Order Shortening Time filed March 17, 2021, at Page 3.

25 <sup>12</sup> Jason admits in his Motion that he advised the officers they should check and see if Maggie had  
a weapon since they searched him.

26 <sup>13</sup> Maggie was not the one screaming, Jason was screaming. Counsel is going to Subpoena the  
27 videos from that day to establish for the Court that Jason’s statements are untrue and he cannot be  
believed.



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**II.**  
**Legal Analysis**

A. Maggie’s request for a reunification therapist to be appointed should be granted.

NRS § 125C.010 (a) provides that Orders regarding visitation must be defined “sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved[.]” At the March 22, 2021 hearing,<sup>14</sup> the Court indicated Maggie’s timeshare with Hunter would be therapeutic only until the Court can determine that it is safe for Hunter to go back into her care, and safe for Maggie’s other child, Danika Cox. Maggie would argue that the Order does not define her timeshare with Hunter with sufficient particularity and leaves it open to be manipulated.

Moreover, the Court Ordered that MILLER would act in the capacity to conduct reunification between Maggie in Hunter. Since that time, Maggie has participated in the sessions with MILLER. However, MILLER has indicated that it would be better for Hunter for MILLER to act as a therapist and for someone else to be appointed for reunification purposes. As such, pursuant to NRS § 125C.0045 (1)(a), Maggie alleges it would be in Hunter’s best interest for the Court to adopt MILLER’S suggestion and appoint a reunification expert.

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<sup>14</sup> This Order has not been filed as of the date of filing this Motion.



1 One of the prevailing cases regarding attorney fees is *Brunzell v. Golden*  
2 *Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). In *Brunzell* the Nevada  
3 Supreme Court set forth the factors, now known as the Brunzell Factors, which the  
4 Court considered “well known basic elements to be considered” when awarded  
5 attorney fees. The Court said each factor should be According the Brunzell  
6 Factors are as follows:  
7

- 8 1. The quality of advocacy;<sup>15</sup>
- 9 2. The character of the work to be done;<sup>16</sup>
- 10 3. The work actually performed by the lawyer;<sup>17</sup> and
- 11 4. The results obtained.

12  
13 **Quality of Advocacy**

14 Maggie’s Counsel has been practicing law since 2005 and focuses her  
15 practice area primarily in the area of family law, and she is in good standing with  
16 the State Bar of Nevada. Maggie’s Counsel participated in a weekly radio show  
17 geared at the Clark County community, focused on issues relative to family law.

18  
19 Yearly, Maggie’s Counsel attends continuing legal education classes to stay  
20 abreast of changes in the area of family law. Through a practice primarily in family  
21 law, Maggie’s Counsel has drafted countless Motions, argued before the District  
22

23  
24 <sup>15</sup> When considering the quality of the advocacy the Court should look at the attorney’s ability,  
training, education, professional standing, and skill.

25 <sup>16</sup> When considering the character of the work to be done the Court should look at the difficulty,  
intricacy, importance, time, skill required, the responsibility imposed, and the character of the  
Party when they have a relevancy to the litigation.

26 <sup>17</sup> When considering the work performed the Court should consider the skill, time, and attention  
27 given to the work.

1 Court and Hearing Master on issues related to domestic violence/custody/  
2 divorce/adoption/termination of parental rights, brought and defended individuals at  
3 Trials and Evidentiary Hearings. Additionally, Maggie's Counsel has taken cases  
4 on Appeal to the Supreme Court of Nevada.  
5

6 **Character of Work Done**

7 Due to the fact that Maggie's Counsel practices primarily in the area of  
8 family law, she has regularly dealt with issues involved in violations of terms of  
9 Family Court related Orders, child support enforcement, arrears, and wage  
10 assignments.  
11

12 **Work Performed**

13 Maggie's Counsel maintains a billing system and will prepare, upon the  
14 request of this Court, a billing statement to address the actual attorney fees  
15 extended by Maggie relative to the Motion and hearing. Maggie is billed at a rate of  
16 \$300.00 per hour which is a rate on par with other attorneys practicing primarily in  
17 the area of family law.  
18

19 Based upon the foregoing, Jason should be required to pay to Maggie's  
20 Counsel attorney's fees and costs for all matters relating to this Motion.  
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**III.**  
**Conclusion**

Therefore, based upon the foregoing, Maggie requests this Court to enter an Order:

1. Granting Maggie’s request for appointment of a reunification therapist.
2. Granting Maggie’s request for Maureen Zelensky to supplement her Brief Focus Assessment.
3. Granting Maggie’s request for an award of attorney’s fees and costs.
4. Any and all relief the Court deems proper and just.

Dated this 14<sup>th</sup> day of April, 2021.

**ROBERTS STOFFEL FAMILY LAW GROUP**

By:   
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Email: efile@lvfamilylaw.com  
Attorneys for Plaintiff, Maggie Cox

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**DECLARATION OF MAGGIE COX**

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

1. I am the Plaintiff in the above entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of the foregoing Motion.

2. I have read the foregoing Motion and can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matter stated upon information and belief, and as to those matters, Declarant believes them to be true.

3. Declarant incorporates all the facts of the motion into this declaration as though fully set forth herein.

**FURTHER DECLARANT SAYETH NAUGHT.**

Dated this 14<sup>th</sup> day of April, 2021.

By: /s/ Maggie Cox  
Maggie Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,  
and on the 14<sup>th</sup> day of April, 2021, I served by and through Wiz-Net electronic  
service, pursuant Clark County District Court Administrative Order 14-2 for service  
Of Documents Identified In Rule 9 Of The N.E.F.C.R., the foregoing Plaintiff's  
Motion for Appointment with Reunification Expert, for Supplement Brief from  
Zelensky, for an Award of Attorney Fees and Costs, and Related Relief, to the  
following:

Fred Page, Esq.  
Page Law Offices  
Email: fpage@pagelawoffices.com  
Attorneys for Defendant

By: Amanda M. Roberts  
Employee of Roberts Stoffel Family Law Group

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

Maggie Roe (nka Cox)  
Plaintiff/Petitioner  
  
v Jason Roe  
Defendant/Respondent

Case No. D-11-450074-D  
Dept. U

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

|                                     |             |  |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | <b>\$25</b> | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  |
| -OR-                                |             |  |
| <input type="checkbox"/>            | <b>\$0</b>  | The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:  |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.   |
| <input type="checkbox"/>            |             | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.  |
| <input type="checkbox"/>            |             | The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. |
| <input type="checkbox"/>            |             | Other Excluded Motion (must specify) _____.  |

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

|                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | <b>\$0</b>   | The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:  |
| <input checked="" type="checkbox"/> |              | The Motion/Opposition is being filed in a case that was not initiated by joint petition.   |
| <input type="checkbox"/>            |              | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$129</b> | The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.   |
| -OR-                                |              |  |
| <input type="checkbox"/>            | <b>\$57</b>  | The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129. |

**Step 3.** Add the filing fees from Step 1 and Step 2.

|   |                          |                                     |                          |                          |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| The total filing fee for the motion/opposition I am filing with this form is: |                          |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| \$0   | \$25                     | \$57                                | \$82                     | \$129                    | \$154                    |                          |

Party filing Motion/Opposition: Employee of Roberts Stoffel Family Law Grou Date 4/14/21

Signature of Party or Preparer Amanda M. Roberts