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IN THE SUPREME COURT OF THE STATE OF NEVADA

MAGGIE ROE, N/K/A MAGGIE) Supreme Court Case No: 84893
COX,) District Court Case No.: D-11-450074-D
)
Appellant,)
)
v.)
)
JASON ROE,)
)
Respondent.)
)
)
)

**APPELLANT'S APPENDIX
VOLUME IX OF IX**

**ROBERTS STOFFEL FAMILY LAW
GROUP**

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WHEN A CHILD REJECTS A PARENT: WORKING WITH THE INTRACTABLE RESIST/REFUSE DYNAMIC

Marjorie Gans Walters and Steven Friedlander

A subgroup of intractable families, in which a child refuses postseparation contact with a parent, perplexes and frustrates professionals who work with them. This article discusses the underlying forces that drive the family's intractability, as well as guidelines for working with the family. The guidelines include specific court orders developed from the very beginning of the case that elaborate the court's stance about goals and expectations for the family, along with specialized individual and family therapies that are undertaken within a framework of planned collaboration with the court. The collaborative team of legal and mental health professionals works in an innovative and active way to structure, support, and monitor the family's progress in resolving the resist/refuse dynamic.

Key Points for the Family Court Community:

- A small group of families in which a child resists or refuses to spend time with a parent are especially resistant to intervention. Their dynamic emerges as intractable when it is apparent that it is being fueled by a significant mental health component, vulnerability, or rigidity within one or more family members.
- The work with intractable families often raises serious and challenging dilemmas, such as determining the risks to the child of losing contact with a parent, whether the child's voice is separate and distinct from that of the parents, and if emotional abuse is present, such that the option of a change in custody is raised.
- The clinical interventions that are utilized with intractable families are specialized and nontraditional and require participation of the entire family.
- Helping intractable families requires a concerted, collaborative effort and an innovative partnership between legal and mental health practitioners.
- Essential from the outset, this collaboration requires small adjustments to the familiar paradigms within which each professional is accustomed to work, including a new perspective on confidentiality.
- The court also is a participant in the collaboration, as it has a crucial role to play in structuring, overseeing, and monitoring the clinical interventions and resolving impasses as they are reached.

Keywords: *Child Rejection of a Parent; Court-Ordered Therapy; Favored Parent; Multi Modal Family Intervention; Parental Alienation; Reconnection Therapy; Reintegration Therapy; Rejected Parent; Resist/Refuse Dynamic; Reunification; and Reunification Therapy.*

INTRODUCTION

In the 6 years since the last *Family Court Review* Special Issue on children who refuse contact with a parent (January 2010), many families have participated in interventions aimed at unraveling and resolving this complex problem—the Resist/Refuse Dynamic (RRD). The RRD refers to a complex set of interacting factors, family dynamics, personality characteristics and vulnerabilities, conscious and unconscious motivations, and other idiosyncratic factors that combine to contribute to the unjustified rejection of a parent.¹

While it has always been clear that RRD families pose a daunting challenge in their resistance to change, an especially intractable subgroup of these families is gaining the attention of legal and mental health professionals.² These “stuck” families typically reach an impasse early in treatment. While some of these have previously been labeled as “severe” cases of alienation, it is currently apparent that, in addition to severe alienation, other factors often underlie and contribute to the family's intractability.

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In this article we identify the characteristics of the intractable family and outline some intervention options that can address their entrenched, potentially resistive nature. These families require a carefully framed, focused, and directive approach, implemented by a collaborative team of mental health and legal professionals. Effective intervention requires periodic, preplanned communication with the court. This refinement and extension of the Multi-Modal Family Intervention model (MMFI; Johnston, Walters, & Friedlander, 2001; Friedlander & Walters, 2010) is tailored specifically for intractable and severe cases. The suggested framework can also be used for less severe cases to accelerate progress and to ensure that the necessary supportive structure is in place if needed.

Intractable cases often leave professionals feeling increasingly helpless. In response, some mental health and legal professionals develop an aversive reaction to working with them, and avoid them. Others, who lose patience with these families, resort to using drastic measures to resolve the impasse.³ Professionals are more likely to employ misguided efforts to help when they have a limited understanding of intractable cases and even more limited resources available toward which they can direct these families. This paper is addressed as much to the bench and bar as it is to mental health professionals.

UNDERSTANDING INTRACTABLE RRD FAMILIES

Intractability within RRD families can originate in one or both parents or the child, either alone or in concert with one or both parents. Often, the intractability is fueled by a mental health component within one or more family members that makes them vulnerable to the polarizing RRD dynamic, including not being able to successfully cope with and move beyond the stress, loss, and even trauma involved in the separation and divorce process, and/or becoming unduly influenced by another family member (e.g., a child by a parent or a sibling, a parent by a new spouse, or a grandparent).

THE CHILD'S VULNERABILITIES

Kelly and Johnston (2001) have discussed the many pathways through which an "alienated child" arrives at the point of refusing to have contact with an adequate rejected parent. Among those factors are vulnerabilities of the child—physical, cognitive and emotional—that are too great to accommodate the stresses of a divorce. A child's rigid rejecting stance may reflect, in part, having resources that are too limited or inadequate for navigating shared time with warring parents, particularly when conflicts arise unpredictably during transitions between homes. A young or developmentally limited child's postdivorce alignment with a parent can simplify the child's dilemma about "who is right and who is wrong" and "what is fair and what is unfair." Younger children may also be less able to resist the loyalty pull of the favored parent, especially when it is rooted in that parent's neediness, or the allure of modeling an older sibling's stance toward the rejected parent.

In custody disputes, there has been a rise of the number of children with special needs—those with specific learning disorders and cognitive impairment, chronic developmental disorders, physical disabilities, serious medical conditions, and severe psychiatric and behavioral disorders (Pickar & Kaufman, 2015, p. 113). Being ill equipped to handle ongoing interparental conflict, these children may be especially vulnerable to rejecting a parent as a means of solving an otherwise overwhelming problem.

Specific emotional vulnerabilities among children who reject a parent have been recognized by Johnston, Walters, and Olesen (2005a). These emotional vulnerabilities include consistent use of coping styles that involve avoidance and diminished ability to have realistic, mutual, empathic relationships with others (Johnston, Walters, & Olesen, 2005b). These vulnerabilities may not be evident in the children's daily lives, however, as the child may otherwise appear to be independent and competent, even an academic and social "star." The consequences of internalizing their distress and disregarding their unresolved grief about the loss of their intact family may emerge sometime later, and the consequences can be profound.

Although the child's avoidance-based rejection of a parent has an adaptive component, as it partially removes the child from being in the center of a difficult situation, the child also pays a price. Aligning with a parent often reinforces the ongoing use of black and white thinking—seeing that parent as “all good,” and the other parent as “all bad;” and avoiding the person with whom you have difficulties thwarts attempts to develop a more adaptive, problem-solving strategy such as seeking to discuss and work out those difficulties. Seen from this perspective, a child's active engagement in the favored parent's campaign against an ex-spouse can usurp the child's mastery of age-appropriate coping skills, such as developing complex thinking and communication skills to resolve difficulties, and thus, over time, impede the child's developmental progress and ability to keep pace with the skill levels of age-peers in these areas. The gap in emotional maturity may then also affect the ability to maintain good peer relationships.

PARENTAL INTRACTABILITY

Many intractable parents have significant mental health problems, a common component of which is an externalization of their own problems and insistence that the family's problems are generated entirely by the other parent. Individual psychopathology, immaturity, and emotional neediness also impede the intractable parent's ability to consider alternative perspectives. Distortions in perceptions and negative thinking affect how a parent can effectively solve problems. Emotional dysregulation can lead to impulsive actions, overreactions, and the creation of drama for the children and ex-spouse. Most importantly, all of these problems impair the parent's ability to maintain a clear, consistent focus on the child's needs and well being.

PARENTAL INTRACTABILITY RELATED TO AN ENCAPSULATED DELUSION

In some RRD families, a parent's underlying encapsulated delusion about the other parent is at the root of the intractability (cf. Johnston & Campbell, 1988, p. 53ff; Childress, 2013). An encapsulated delusion is a fixed, circumscribed belief that persists over time and is not altered by evidence of the inaccuracy of the belief. It is different from a psychotic delusional disorder in that it does not compromise intellectual, cognitive, social, or emotional functioning. Thus, despite harboring the encapsulated delusion, the intractable parent may *appear* to be an excellent parent and high-functioning adult.

When alienation is the predominant factor in the RRD, the theme of the favored parent's fixed delusion often is that the rejected parent is sexually, physically, and/or emotionally abusing the child.⁴ The child may come to share the parent's encapsulated delusion and to regard the beliefs as his/her own (cf. Childress, 2013). When estrangement is a significant factor in the RRD, rigid rejected parents may have a fixed belief that the favored parent, whom they view as totally responsible for the child's rejection, is emotionally harming the child through overly permissive parenting that can only be corrected by the rejected parent's morally superior parenting style. This belief can also rise to the level of an encapsulated delusion for some rejected parents.

THE FAVORED PARENT'S INTRACTABILITY AND ENMESHMENT

Although not a factor in all RRD cases, parent-child enmeshment (cf. Minuchin, 1974) is also recognized as an especially significant mental health issue within the dysfunctional family dynamics of some RRD families (Fidler, Bala, & Saini, 2013; Friedlander & Walters, 2010; Garber, 2011). Enmeshment refers to diffusion in the psychological boundary between the parent and child, which includes intrusive parenting and lack of respect for boundaries and the psychological separateness of the child. Within enmeshed parent-child relationships, the thoughts, feelings and beliefs of the child and the parent become increasingly indistinguishable.

There is increasing awareness of the deleterious effects of parent-child enmeshment (Garber, 2011; Peris & Emery, 2005). Johnston (1990) noted role diffusion in the context of high conflict divorce. Garber (2011) delineated different kinds of "role corruptions," specifically adultification, in which the parent uses the child as a confidante; parentification, in which the parent uses the child as a parent figure; and infantilization. In all of these role changes, the child's strivings for age-appropriate functioning are thwarted in order to meet the parent's needs. The child may be home-schooled, kept socially isolated, and/or prevented from participating in age-appropriate activities. Garber (2011, p. 327) states that in some extreme, seldom seen cases, the infantilizing parent creates or maintains a child's illness in a manner consistent with a formal diagnosis of Factitious Disorder Imposed on Another.

THE REJECTED PARENT'S INTRACTABILITY AND RIGIDITY

In some complex, hybrid cases, the rejected parent often has a significant part in fortifying the RRD.⁵ These rejected parents may have already found the child's rejection and allegations against them to be a critical blow to their parental identity, to their idealization of their parental role based on a belief that they are the only good role model for the child. In addition, they must then bear the social stigma of being rejected by their own child, of not finding redress or protection through court proceedings, as well as experiencing the loss of contact with the child, all of which makes the experience almost unbearable.

It can be particularly problematic when the rejected parent relies on the use of narcissistic defenses, or there are indications of deeper problems stemming from an underlying narcissistic personality structure. Intractable rejected parents commonly have an adamant and self-righteous conviction that their moral fiber and values are superior to those of the favored parent. They regard the guidance they provide in parenting as an antidote to the poor parenting and role modeling that the child gets from the favored parent. Sometimes the degree to which they compensate for perceived shortcomings of the favored parent results in even more extreme behaviors than they normally would engage in, which further exacerbates their problem with the child. Upholding morally superior values and promulgating the only acceptable rules of life for their child can lead the rejected parent to dismiss the possibility of compromise, which they see as "giving in" to the child's wishes. This rigidity can be especially hard for teenagers who require increasing independence at this stage of their development.

DILEMMAS PRESENTED BY INTRACTABLE RRD FAMILIES

Working to modify the intractable dynamic of RRD families raises both thorny questions and agonizing dilemmas concerning how to protect the child from experiencing the loss of one or the other of their parents.

LISTENING TO THE CHILD'S VOICE

Nowhere can the call to hear the child's voice be more resounding than when the favored parent advocates for respecting the child's feelings and wishes. However, listening to the child is far from a straightforward issue (see Parkinson & Cashmore, 2008; Warshak, 2003). Giving children who are rejecting a parent a public forum in which to take sides about the interparental dispute can be problematic, as this serves to solidify their position. Also, there is a crucial difference between listening to the child's voice by inviting their input and listening to their opinion, and allowing the child to have a say in the decision that is made. Grappling with the general question of how much input a child should have in custodial decision-making requires careful consideration of whether a child or adolescent is capable of grasping the realities and long-term repercussions of limiting or eliminating contact

makeup, have unreasonable expectations about how the child should respond to them, and experience difficulty recognizing how they may have significantly contributed to the problem. As a result, they may inadvertently push the child away, and, in their anger, even strike back in subtle ways, and ultimately, may counterreject the child. When an intractable or rigid rejected parent chooses to walk away from the child and family after having concluded that the situation is impossible, the child still experiences the loss of a parent.

AVOIDING TIME DELAYS THAT WORSEN THE RESIST/REFUSE DYNAMIC

Time is a major enemy in RRD cases. The dynamic becomes increasingly entrenched the longer it remains unaddressed and the longer the period of no contact between the rejected parent and the child. The excruciatingly slow pace at which the court system moves also delays efforts to resolve the problem and may be exacerbated by a prolonged evaluation, and as well as litigation over intervention. In fact, delay has often been employed as a legal tactic in such cases, especially in cases of older adolescents, as the court is less inclined to intervene as the adolescent gets older, and once the adolescent turns eighteen the court no longer has jurisdiction.

For the nonintractable RRD cases the damaging effect of time can be mitigated through educational efforts aimed at prevention, identification of at-risk cases early in the legal process, and early intervention. However, as it is not usually clear in the beginning whether a family will become intractable, having a more sharply focused awareness of the potential for intractability can lead to early implementation of court orders that include the structures necessary for effective treatment. Having these structures already in place can expedite the process of holding family members accountable for their part in unraveling and resolving the RRD. This, in itself, creates momentum for change.

CREATING EFFECTIVE OVERSIGHT AND MONITORING BOTH DURING AND AFTER AN INTERVENTION

Intractable cases require more than the initial interventions that help family members recognize the various underlying issues and aspects of their behaviors that must be changed. Ongoing oversight and monitoring of the progress that each family member achieves creates accountability and counteracts the natural resistance to change. Real, meaningful, and sustainable change is much less likely without ongoing oversight and monitoring.

A current dilemma in achieving oversight, and thus accountability for change, is how to put mechanisms in place that allow a mental health professional to communicate about each family member's behavior and progress with an appropriate authority. Choosing the appropriate authority is also part of the dilemma. The professionals who have the authority to respond to intractability issues are the judge and the parent coordinator who assumes oversight and can communicate with the judge. However, in some states a parent coordinator cannot be appointed and needs to be stipulated, a step unlikely to be taken by a parent who wishes to avoid accountability and retain their own decision-making authority. Without a parent coordinator, the court is the remaining option for oversight and monitoring of the intractable case. Yet there are many counties and states in which the law does not support this role for the court.⁶ This dilemma calls for innovative thinking and a different level of involvement and collaboration on the part of the legal and mental health professionals, as well as working through the ethical and professional issues that are precipitated by addressing this dilemma.

INTERVENTIONS TO PREVENT AND ADDRESS INTRACTABILITY

The components of the intervention presented here include nontraditional individual and family psychotherapies for the child, the favored parent and the rejected parent, as well as the enhanced, collaborative teamwork among the mental health and legal professionals that can, when optimally

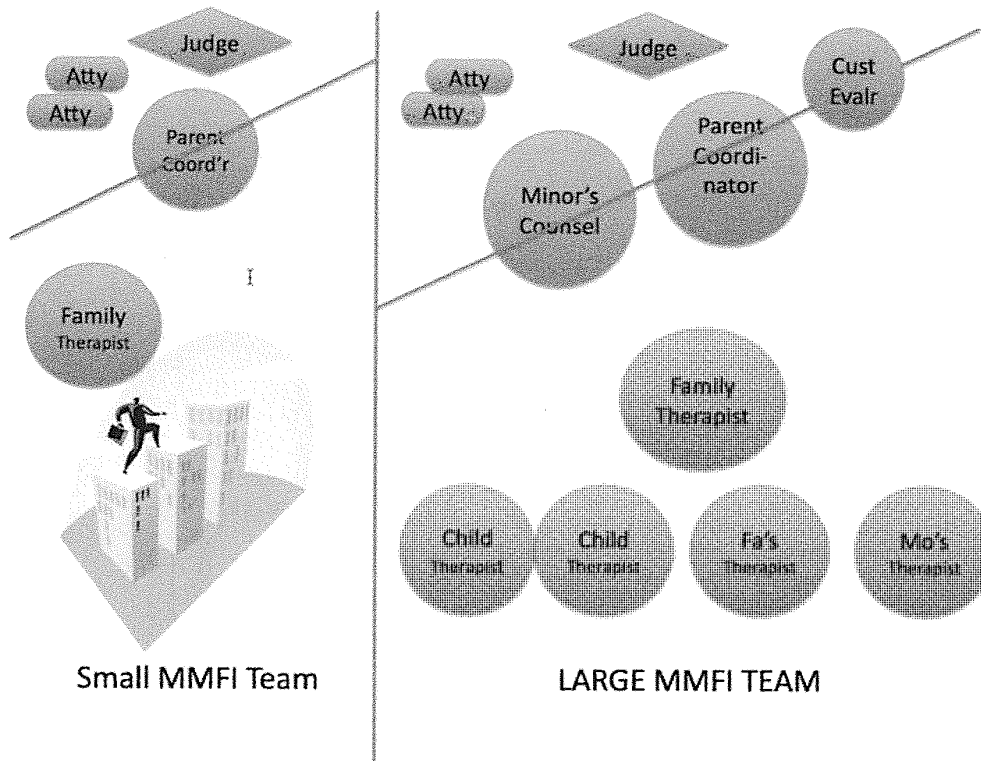


Figure 1 Composition of Intervention Teams for the Intractable RRD Family.

implemented, contribute to more successful outcomes. The MMFI involves the use of a family therapist and/or multiple individual therapists⁷ as well as a professional with decision-making authority or authority to communicate to the court. There can be a small or a large professional team working with the family, as shown in Figure 1. A large team involves more mental health and legal professionals who have potential access to the judge.

Regardless of the size of the team, if there is no professional who has access to both the judge and the therapist(s), such as a parent coordinator, or a custody evaluator, and in some cases a minor's counsel, then the therapist(s) who work with the family is isolated from the rest of the team. While this separation is necessary for many other court cases, in court-ordered interventions for intractable RRD families, it may hinder therapeutic progress as well as effectively informed judicial decision making. Creating thoughtfully designed links between the legal and mental health realms, in order to facilitate teamwork and to move through impasses typical of intractable RRD families, is an extension and elaboration of the MMFI model. It is discussed in the section on collaboration below.

NONTRADITIONAL, SPECIALIZED CLINICAL INTERVENTIONS

Specialized Individual Psychotherapy to Help and Support the Child

It is understandable that a child who aligns with a favored parent may strongly resist treatment interventions, because the interventions can stir up the underlying anxiety and fears that motivated the alignment, thereby threatening to disrupt the child's emotional equilibrium. Some children sense

that having to spend time with the rejected parent might lead to experiencing renewed loyalty conflicts, which could then lead to internal destabilization and disorganization. The more emotionally vulnerable the child, the more threatening the changes can seem and the more intransigent the child's stance may become.

To be effective, the individual child work should *not* follow the model of traditional child psychotherapy. A modified, specialized individual psychotherapy for the child, implemented concurrently with family therapy when possible, helps to stabilize the child's internal world as well as strengthen and augment the child's coping abilities.

The therapist should have training and experience in working with RRD cases. The therapy will include education, coaching, and skill building (see the case examples in Walters & Friedlander, 2010). The therapist must demonstrate understanding of the child's difficult position as well as establish their usefulness by teaching skills that enable the child to manage the situation and to resume the process of separation-individuation, as developmentally appropriate. In other words, there is support for the child to move forward developmentally, socially, and emotionally and to be less focused on the need to be allied with and supportive of the favored parent in the interparental battle. Progress in the separation-individuation process enables the child to become more sensitive to feelings and beliefs that are different from those of the favored parent and to feel less responsible for the emotional well being of the favored parent. Often the therapist is the only adult who has an opportunity to offer new input to the child. The new skills and self-knowledge gained in therapy helps these children discover and better maintain the integrity of their own beliefs about their experience with the rejected parent and resist the influence of an alienating favored parent.⁸

Individual work with the child may also address some of the child's difficulties with the rejected parent, such as distorted underlying beliefs about the rejected parent, while also gaining and accepting a realistic understanding about the rejected parent's limitations. Particularly if an intractable rejected parent decides to walk away and counterreject the child, the child needs help in dealing with the associated experience of loss and guilt.

Specialized Individual Psychotherapy for the Intractable Favored Parent

Addressing the intractability and the mental health issues of the favored parent is typically more challenging for professionals than is working with other family members. Because the intractable favored parent may make convincing public statements of support and understanding that the child benefits from having a restored, healthy relationship with the rejected parent, the stubborn, unyielding quality of the favored parent's beliefs and behavior, and the subtle, indirect, and often nonverbal and insidious ways these beliefs are conveyed to the child, may not be revealed until later in the intervention process. As the RRD starts to shift and the child's stance softens, the favored parent's lack of cooperation, resistance, and pushback tends to escalate. At the point that the favored parent's stance is finally fully identifiable as intractable, there may be few avenues open for redress. True intractability on the part of the favored parent may require a change in custody to the rejected parent, as noted above.

The nontraditional, individual therapeutic work with a favored parent focuses on intensive modification of the favored parent's behavior and recognition of the favored parent's distorted and inaccurate beliefs about the rejected parent, such as those involved in an encapsulated delusion. A directive, and sometimes confrontive approach is required. A solely, or mainly supportive approach is neither therapeutic nor appropriate, as it reinforces the recalcitrance, and becomes part of the problem. The mental health practitioner who is uncomfortable with a more directive approach is not a good choice for the favored parent's individual therapist. As they become aware of it, the parent coordinator and the custody evaluator both have the authority and the responsibility to call attention to such an inappropriate and counterproductive therapy with the favored parent and, if necessary, to recommend a change of therapist.

In some intractable RRD cases, enmeshment of the favored parent with the child surfaces as the principal source of the impasse. Enmeshment cases, based on the parent's emotional neediness, are often more difficult to address as the parent and child are less conscious of the problem and highly invested in maintaining the status quo. Any change can be experienced as threatening the stability of the favored parent in particular, and the family equilibrium in general. Nevertheless, these issues can be addressed within individual therapy that focuses on personal growth and maturation. In this therapy the parent will learn how to pursue a life and interests separate from the child, supported by education regarding how damaging it is to the child to have their healthy development thwarted. The goal is to help the favored parent to develop the capacity to have his/her own emotional needs met outside of the parent-child relationship, as well as to recognize how the child's needs and emotional life can differ from their own, and can best be met outside of the parent-child relationship, for example, in peer relationships. As noted above, the child's individual therapy would involve a parallel separation-individuation process, focusing on emotional growth and development that enables the child to have greater involvement with peers and in activities that do not include the enmeshed parent. The enmeshed parent and child may also meet together to address changes in the dynamics of their relationship.

Specialized Psychotherapy/Coaching for the Intractable Rejected Parent

Rejected parents generally benefit from the support, specialized guidance and coaching of a therapist who is experienced in working with the RRD family. The parenting information they receive and the broadened understanding about the child's situation often help them to maintain patience and stamina in the face of their child's rejection, as well as modify their parenting and approach to the child when reengagement occurs. Often, if available, a therapeutic support group for rejected parents is a very helpful source of advice and comfort.

However, one of the hallmarks of an intractable rejected parent is the inability to ally and collaborate with the therapist/coach or other professionals with whom they are working. When an individual therapist/coach or family therapist explains to an intractable rejected parent that modifying their parenting or other behavior is necessary to alleviate their child's rejection, their very rigidity prevents them from modifying their ideas and behaviors to avoid further damage to the parent-child relationship. Asking the rejected parent to look more pointedly at their role and complicity in creating the RRD, may lead to the rejected parent seeing the therapist as having become allied with the favored parent, or it might result in the parent simply dismissing that therapist as not very knowledgeable or understanding.

Meanwhile, the rejected parent's behavior, while not technically reaching the level of abuse, may be truly unpleasant, further polarizing, and unreasonable, which together make it very difficult for the child to manage. The intractable rejected parent's behavior continues to reinforce the child's resistance to having contact, and the ensuing spiral downward can be devastating. The child may devise ways not to see the rejected parent, or the professionals involved may have to design a timeout or institute other limits on their contact.

Although rare, this process can also lead to the rejected parent counter rejecting the child and walking away. While not always possible, a therapist can mitigate the loss by formulating a plan to provide closure, for the rejected parent to say goodbye, to clarify that the breach in their relationship may be temporary, and for the child and rejected parent to begin grieving the loss of their time together. A time may be designated for them to meet again at some point in the future to determine if it is possible and desirable to resume contact.

COLLABORATIVE WORK AMONG THE TEAM OF MENTAL HEALTH AND LEGAL PROFESSIONALS

In this extension of the MMFI, collaboration and communication among mental health and legal professionals is an essential part of the proposed model for working with intractable RRD families.

Operating in conjunction with one another, these two sets of professionals can support the strong, optimally effective treatment that intractable RRD families demand, have greater impact on an RRD family than either can have separately, and can mobilize the necessary actions to effect change more quickly than they would through regular court processes.⁹

Structuring the Collaboration: Formulating the Court Orders/Stipulation Supporting the Therapeutic Interventions¹⁰

The court orders articulate the authority of the state and are a permanent record of the court's findings, which can be invoked as often as necessary. Having the therapeutic interventions for intractable RRD families ordered by the court is essential for creating a potentially effective treatment because the court's authority serves to counteract the resistance inherent in the RRD family. Discussion here will focus on the court order for family therapy, although some of the same principles can apply to the individual therapies as discussed above especially when the individual therapist is the sole mental health practitioner.

As the keystone of the intervention, the court order specifies: (1) the goals for the intervention; (2) the court's expectation that *all* family members shall participate and cooperate; (3) the necessary structure for the implementation of the intervention; and (4) the court's role in monitoring the family's progress, thereby creating and insuring accountability of each family member to work towards those goals.

The specificity of the orders helps the family to experience the therapist as a neutral professional whose role it is to carry out the orders of the court, in the service of the best interests of the child. Inclusion of the requirement for participation and consequences for failure to cooperate in the detailed orders decrease the likelihood that either parent will undermine the treatment efforts or render them ineffective. Thus the orders help insure that the therapy moves forward.

Writing the Court Order

Collaboration among the professionals occurs from the very beginning when, together, they prepare the court order for family therapy. After the attorneys and the court agree upon a specific family therapist, and then, before the agreed-upon therapist has contact with the family, the attorneys, the therapist, and also the court—when the judge is amenable—collaborate in crafting the basic court order.¹¹

It is particularly important that there is agreement upon the major goal of the intervention, that is, that the family work be directed to restoring family functioning so that the child can attain and maintain the best possible relationship with both parents and that this statement be put into the court order or stipulation. The parents also sign the therapist's treatment agreement, which reiterates the court's statement about the treatment goals, providing yet another chance for them to affirm their understanding, acceptance, and willingness to work toward these court-specified outcomes. Having this written, shared understanding that the parents and children are court ordered to engage and participate in therapy can be profoundly helpful to overcome the initial resistance of both the favored parent and the child.

Providing for Court Oversight

The court order should include details such as the dates when the court will be reviewing the progress of the family within the intervention, a provision that neither parent has the power to unilaterally terminate the treatment, as well as a statement that there will be consequences and sanctions—financial or related to the parent's time with the child—for a parent's failure to meet the court's expectations. The latter addition is especially important and helpful in intractable cases. The court order may also state the expectations for the child or adolescent to participate in the intervention,

noting the consequences for the parents if they do not insure the child or adolescent's compliance (see Appendix A for examples of such orders).

The accountability component within the order is found in the provision that sets review hearings to take place at certain intervals in order for the court to monitor the family's progress. Usually the court expects to receive written or oral feedback from the family therapist or parenting coordinator shortly before the previously set court review hearings. The feedback focuses on whether progress is being made in the treatment and whether there are any issues that need legal attention or intervention. If the family therapist or parenting coordinator states that the intervention is going well and the family's issues are being handled clinically, the hearing date will be cancelled. If family issues have come up that suggest a need for commentary or ruling by the judge, then the scheduled hearing will go through and the legal professionals will address the issues. But sometimes a telephone case conference between the family therapist and attorneys can resolve minor issues, obviating the need for a hearing while resolving issues that impede progress. For example, a family therapist might use a telephone case conference with attorneys to address a potential clinical impasse by having the collaborative team help a parent to accept the authority of the parent coordinator, or having the collaborative team re-affirm the court's expectation of cooperation and compliance with the treatment intervention.¹²

"CUSTOMIZED CONFIDENTIALITY" IN COMMUNICATION BETWEEN LEGAL AND MENTAL HEALTH PROFESSIONALS

In working with RRD families, it is necessary that the communication among therapists and legal professionals and the court be more open than it has been traditionally, but it must still protect the privacy of the therapy as well as the attorney-client privilege and work product. The mental health professionals divulge only whether the family member has been attending and whether there are any obstacles to that family member's cooperative engagement in the clinical work. The attorney does not divulge anything involved in the attorney-client privilege. The judge does not opine on any issues unless in the context of a formal hearing. Yet, each professional has greater access to the other professionals in the case, can ask questions, and can listen to responses that are allowed within the new framework.

ATTENDING TO ETHICAL AND OTHER DILEMMAS FOR EACH PROFESSIONAL WITHIN THE COLLABORATIVE PARADIGM

We recognize that the proposed paradigm stretches the current limits on how legal and mental health professionals communicate and collaborate with one another and thus it may be challenging to implement. Conflict arises from interpretations of the ethics and guidelines of the individual professions concerning work with divorcing parents. Yet, some legal and mental health professionals, who also recognize the need and potential benefits of rethinking of these ethical and practice issues, have already suggested, and sometimes even instituted minor modifications similar to these (e.g., Greenberg & Sullivan, 2012; Greenberg, Doi Fick, & Schnider, 2012; Lebow & Black, 2012; Guidelines for Court-Involved Therapy, 2011).

The unifying principle for the collaborative work is that each professional has a specific part to play in working towards the agreed-upon goals of the intervention, which are, in turn, based on the already determined or agreed upon best interests of the child. Each professional acts, at least partly, in concert with the unified team working on behalf of the client family. Preliminary commentary about implications for ethical and practical guidelines that inform each professional's role are included in this discussion, although a full discussion of these issues is outside the scope of this paper.

The Judge's Role

The judge's participation as a member of the collaborative team may vary according to the level of involvement preferred by the judge, as well as the interest and expertise of the judge. It can range

from the judge essentially serving as the team leader and case manager,¹³ to the judge being an active participant, to the judge remaining distant from the process and focused only on exercising judicial authority by making rulings.

Judge's Authority. Because RRD families pose such difficult dilemmas, with the two sides being highly polarized, they are usually less amenable to mediated solutions and have been more likely to rely on the courtroom to air and settle their battles. The judge's role is unique in carrying authority that other professional roles do not enjoy, which places the judge in an advantageous position to help intractable RRD families. The judge's authority and power are used strategically and proactively, rather than reactively when there is a crisis. Preset case management conferences or hearings are valuable platforms for the judge to ensure that each family member is doing his/her part to reach the court-ordered goals. The judge can also provide timely support when greater authority is needed to address a problem that clinical treatment has not resolved. Because of the tendency of the intractable family to use the court with some frequency, the already calendared case conferences or hearings employed in this model may result in more timely and efficient resolution of some of their difficulties. Case management for intractable families can be optimized by having one judge consistently on the same case.

The Judge's Need for Information. The judge has access to information necessary for working with intractable RRD families through the court order, discussed above, which specifies that there will be communication—albeit within due process requirements¹⁴—between the family therapist and the court. Being better informed helps the judge gain a deeper understanding of the case. The information augments the judge's ability to make difficult decisions, particularly those that involve modifying the favored parent's or rejected parent's physical and legal custody, determining whether issuing sanctions might be helpful at a particular time, and when grappling with dilemmas which might put the child at risk of losing significant contact with one or the other parent that would effect a major change of that relationship.

Within the team of professionals working with intractable RRD cases, many cases may not have minor's counsel, a custody evaluator or a parenting coordinator, the professionals who traditionally have the most access to the judge, as shown in Figure 1, because many families cannot afford to work with a larger therapeutic and legal team. In that situation the judge does not receive the needed information. Figure 2 illustrates all the possible lines of communication that could be opened among the professional team members, albeit with "customized confidentiality." Opening the two newer avenues of communication, between the family therapist and the judge, and between the family therapist and the attorneys, is important as it enables the needs of the family with an intractable RRD to be more fully and efficiently addressed. The family therapist's communication can take place in hearings or case conferences with the judge, and within telephone conferences with the attorneys. Within each situation, the therapist's shared information is very carefully selected for its maximum benefit to the family, and it is balanced so as not to jeopardize the neutral stance of the therapist. Care is taken by the family therapist to proactively address with his/her clients possible distrust and fear that having this communication might engender.

Judge's Role with Adolescents. Some parents in RRD families argue strongly for their adolescent to have an opportunity to express his/her feelings and wishes directly to the judge, because these cases are notorious for demanding that the child's voice be heard and the child's preference be followed. In turn, many courts are increasingly open to hearing the adolescent's voice either directly or indirectly. In many jurisdictions around the world, the judge must do so.¹⁵ While this presents new challenges to the judicial officer who may have limited experience having an adolescent in the courtroom or in chambers, it may also present an opportunity to be especially helpful to both the adolescent and the RRD family.

In many RRD families, a major contributing factor to the intractability is the chronic failure of the co-parental dyad to effectively parent their child, and especially of the favored parent to exercise appropriate parental authority. In such cases, the judge may speak directly to the adolescent, in front of the parents, explaining what the adolescent is expected to do, why it is deemed to be in his/her

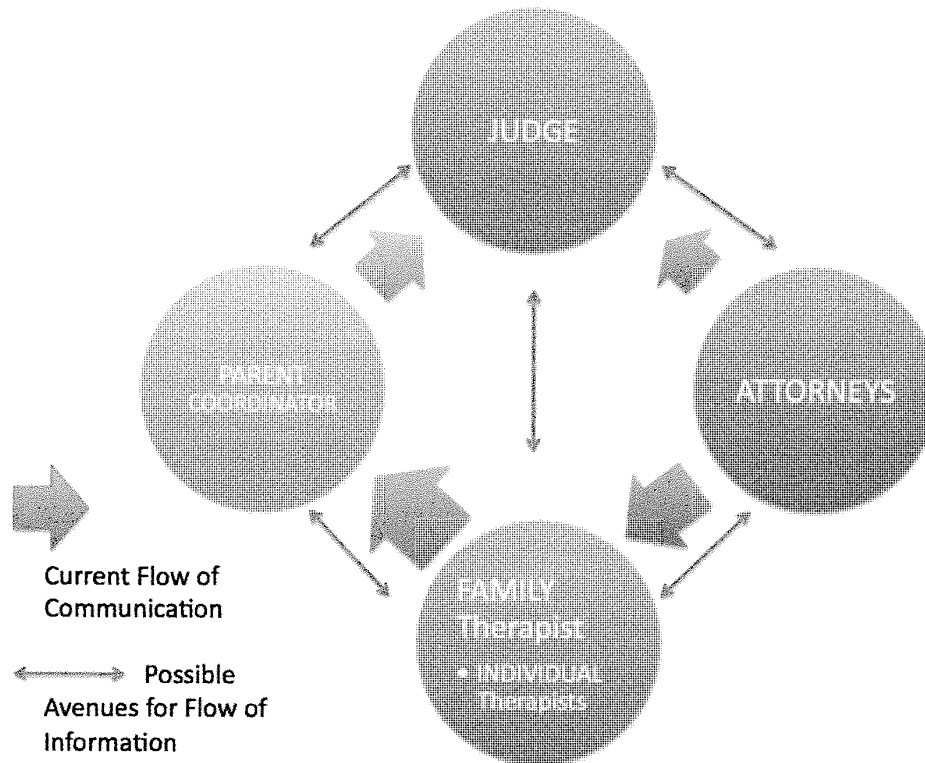


Figure 2 The Flow of Information to the Judge and Among Professionals [Color figure can be viewed in the online issue, which is available at wileyonlinelibrary.com.]

best interests, and that it is his/her parents' responsibility to insure that they do as expected.¹⁶ The judge's statement of what the adolescent must do carries the authority of the court and reminds the favored parent of the responsibility to ensure that the adolescent complies. It may include consequences for that parent if the adolescent fails to do so. These actions by the court bolster the legitimacy and power of the intervention in the eyes of the family. They give comfort and support to the rejected parent, and they delegitimize the attitudes and conduct of the favored parent. In the process, the over-empowered adolescent, who may rarely have experienced limits on his/her behavior, may learn an invaluable lesson. Thus, if the favored parent fails to exercise appropriate parental authority, the judge can exercise the power of the state to further the adolescent's best interests. In this way, the judge not only demonstrates appropriate authority, but also serves as a member of the professional team by requiring cooperation with the therapeutic interventions.

The Role of the Mental Health Professional

The mental health provider selectively communicates with the legal team at different times, in order to formulate the court order for the intervention, to implement the intervention, to address an impasse in the treatment, as well as to provide periodic progress reports to the court. While many mental health professionals are accustomed to communicating with other therapists who are treating different family members, most mental health professionals are not used to working closely with attorneys or the court. Many feel apprehensive and intimidated about interacting with the legal

community, put off by the confrontational style they anticipate experiencing within the adversarial system and uncertain how to draw boundaries to avoid unintended legal entanglements.

Addressing Client Confidentiality

Mental health professionals have also hesitated to collaborate with legal professionals because of concern that a compromise in patient confidentiality would result in a breach of trust that would damage the therapeutic alliance. However, clinicians working with high-conflict divorcing families and RRD families have become increasingly accepting of modifying strict adherence to absolute confidentiality. Recognition that clinical work with high-conflict divorce and RRD families requires different parameters about confidentiality from traditional psychotherapy was spearheaded by Greenberg and other cited earlier in this section. The court order for the intervention with RRD families can specify that the mental health professional's treatment progress report to the court need only include information about whether the family members are attending, cooperating, and meaningfully engaged in the treatment, with little or no specific or substantive detail. In the providers' treatment agreement there should be an explanation that the parent's informed consent for communication to the court about these issues is not required because the waiver of confidentiality is already specified in the court order.

Understanding Ex Parte Communication

Mental health professionals who are not familiar working with the court should realize that there is a difference between an ex parte communication with one of the attorneys or judge, which is usually not allowed, and a communication that includes both attorneys, which is possible. Direct communication with the judge is allowed under certain circumstances that must be agreed upon beforehand. Thus, there are limits on private two-way conversations. In telephone conference calls, the attorneys or therapist may have to just listen to what the other has to say; they may respond by giving limited information.

The possibility of having a specified ex parte communication between the therapist and just one attorney, or the judge, can be explored at a time that the need arises, regarding a specific incident or issue, to determine if an exception should be made. For example, a therapist might propose having ex parte communication with both attorneys separately, each conversation being exclusively about that attorney's parent-client, or child-client, in order to address issues related to a treatment impasse. Proactively, the possibility for ex parte communication can be discussed in the initial conference call between the attorneys and the potential treating therapist before the intervention begins, and if an agreement is made, it can be specified within the court order or within a written agreement with the mental health professional and the attorneys.

Apart from the scheduled contacts, there are times when the therapist may find it helpful to reach out to the legal professionals for support or assistance. Having all attorneys present in a telephone conference call does not create problems in the same way that having ex parte communication does. This communication can be useful to address and understand minor legal and nonlegal issues. This process can streamline the time and the expense for everyone of pursuing litigation to enforce compliance with the treatment intervention, especially if what is needed is clarification of the intent of the court order.

The Attorney's Role

The attorney's customary duty includes counseling—advising, coaching, educating, possibly providing a mental health professional coach, and so on—with the goals of helping the client put his/her best foot forward for the judge. Attorneys need to maintain their clients' confidence in them, just as mental health professionals need to maintain a solid treatment alliance with their client. There is

attorney–client privilege as well as the work product doctrine that protects attorney–client communication. Yet, in working with intractable RRD families, attorneys also need to be fully on board with the goals of the intervention.

Ethical Dilemmas. Attorneys are ethically required to follow the directives of their clients. In their traditional practice, attorneys are unwavering, strong advocates for their client, in an adversarial role with the other side. In interventions with many high conflict divorce families and most RRD families, attorneys are also asked to modify their approach somewhat, and work within a collaborative team in working towards the agreed-upon goals of the intervention, which are, in turn, based on the agreed-upon and/or independently determined best interests of the child. Helping a client to understand what is in the child's best interest may be a difficult process for both the attorney and the client. A relevant question is whether within this collaborative approach the attorney can still adequately represent and address the attorney–client's best interest, when the attorney also addresses the child's best interest.

It is helpful if the question of the child's well-being has been addressed through a child custody evaluation and recommendations and/or court orders have outlined expectations aimed at supporting the child's well-being. Then attorneys can actually support their clients by helping them follow the court order, which allows the attorney to follow the ethical guidelines of advocating in his/her client's best interest. If, through an approved ex parte communication or other means, an attorney learns about noncooperation or other difficulties of the parent–client, that attorney has the opportunity to discuss with his/her client the probable dangers and consequences of his/her problematic behavior, especially if it violates the agreed-upon court order. Such a discussion about the client's shortcomings should take place privately, and be considered as falling under the attorney–client work product that is privileged. Another example lies in the work an attorney does with an intractable favored or rejected parent when the attorney has to encourage that parent–client to face his/her role in creating and resolving the RRD, instead of just supporting his or her client's position. Advocating for the client's best interest in these cases may mean explaining to the client that the relationship with his/her child may be lost to him/her unless s/he cooperates with the therapeutic intervention.

Through joint telephone conferences with the mental health professional and the other attorney, and permitted ex parte communications, as well as in case management conferences, the attorney has an opportunity to develop a broader understanding of his/her client's case. Many attorneys appreciate having a psychological perspective about their client, and have often tried to gain access to that perspective by hiring a mental health professional consultant who works solely on their client's side. But the feedback of such a consultant who works only on one side is limited by not knowing how the client operates within the therapeutic work and within the larger system.

There is a danger that if the attorney steps too far out of the traditional mold an RRD client may become dissatisfied, and may choose to fire the attorney. Indeed, the polarizing dynamic that is implicit in RRD cases increases the likelihood that an attorney or therapist will be viewed as aligning with one or the other side. Sometimes it takes sequentially two or three attorneys or therapists who convey the same message to the client before the client understands the benefits of the message, that is, how taking certain necessary steps would actually benefit the parent, the child, and the family. In those most difficult cases, the best solution may lie in the judge simply issuing an order about what the parent needs to do.

The Role of the Parent Coordinator¹⁷

The parent coordinator, who is empowered with some decision-making and recommending authority, typically serves as the overseer of the various therapies involved in the intervention, as well as the link between the treatment providers and the court.¹⁸ Of all the professionals on the collaborative team, the parent coordinator frequently has the most experience and acumen in threading his/her way through the tangle of ethical dilemmas that might compromise confidentiality or trust that family members have with their treatment providers, while at the same time providing needed information to the court. The parent coordinator uses discretion about how much information

obtained from the therapists is shared with the court. Many parent coordinators also have the added experience of using their authority and decision-making power in a balanced way, thus maintaining staying power in their status as a useful resource for the family. When there is no available parent coordinator, the family therapist may assume some limited components of that role, as explained above, by providing some information to the court through the telephone conferences with the attorneys, or, within case management conferences, directly to the judge.¹⁹

DISCUSSION AND CONCLUSION

The intractability of families with a RRD is often rooted in particularly challenging personality or mental health problems of either or both the favored and rejected parents, and may also involve a child with physical, cognitive or emotional vulnerabilities. These internal, individual difficulties are often exacerbated by the stress, and sometimes even trauma, of the separation and divorce process. The difficulties are then unwittingly reinforced by extended family and friends, as well as by legal professionals adhering to an adversarial system that fortifies resistance to change, and also by therapists victimized by the polarizing forces of these cases. An initial poor response to interventions offered to help these families can result in their becoming stuck in impenetrable impasses. The passage of time then allows further entrenchment of these impasses.

While intractable RRD families engender frustration in mental health and legal professionals, it appears likely that the mental health interventions and legal strategies currently being offered to the families frustrates them as well. Presently, there is a mismatch between the needs of these families and the resources available to serve them. Current clinical and legal paradigms may not go far enough in what they offer, are lacking in duration or depth of the intervention, have limited accessibility, take painstakingly long times to be implemented, and, importantly, are out of reach to most families in their affordability. Moreover, many less skilled or less experienced practitioners, within both legal and mental health fields, prematurely align with one parent, and diagnose the other parent without ever having met them, causing further polarization and delay, thereby adding to the difficulties in resolving the problem. Not having a broad enough grasp on the complex nature of the family's problem, these professionals are unable to offer family members the understanding that each of the many factors that contribute to the RRD need to be addressed in order for it to resolve.

Indeed, there are many shortcomings to the interventions that are currently offered. Many mental health interventions are not court-ordered, and if they are, oftentimes they are labeled as "reunification therapy" and considered as a process only involving the rejected parent and child, under the mistaken belief that they must simply learn to relate to each other better. These interventions are not clear about the need for all family members to be involved, or that the broader goals for the intervention include shifting the RRD. Many therapists do not have enough specialized training in divorce issues, in alienation, and in estrangement specifically in the RRD, to understand the problems of this intractable group. Many therapists find that working with high conflict divorcing families is stressful, unsatisfying, and quickly become disinterested. They then pass up opportunities for training, and if they have an RRD family whom they take on, they are unprepared and treat the family members within a more traditional, but inappropriate clinical paradigm. Some therapists who take on these cases work in isolation and do not understand the benefit of forming a therapeutic team involving a parent coordinator, or a family therapist working alongside individual therapists, which can make the intervention more effective.

Recognition of many of these problems motivated the development of intensive, relatively short-term interventions. While potentially effective in addressing the complex issues, these three to five day interventions do not ensure an "aftercare" program that provides continuity and help for these families to carry back into their lives and consolidate at home what they learned during the intensive intervention. Furthermore, there is no guarantee that the local aftercare professionals will be appropriately trained, experienced, and well-equipped to deal with these families.

Clearly, adversarial paradigms, which work well in other court venues, do not work as well in family court, and are especially detrimental for intractable RRD families, as the need to blame the other side for the rejecting behavior of the child, so central to their dynamic, can be exacerbated. Legal professionals have the challenge of keeping the needs of the child in the forefront while also dealing with advising and representing their client. The judge needs sufficient information from the attorneys and the mental health professionals in order to make well-considered judgments that can help the family move forward, even if those judgments involve painful dilemmas.

The more extreme the intractability is, the greater the need for collaboration among legal and mental health professionals. Without patient work that includes perceiving and addressing the needs of the whole family, especially the untenable situation for the child, and without continued communication among professionals and involvement of the court, the impasses may become too entrenched to resolve.

This article proposes some guidelines for mental health and legal professionals to use with intractable RRD families that may meet some of their needs more efficiently and thoroughly than do current practices. These guidelines include:

1. The use of specialized clinical interventions which include: (a) modified, nontraditional individual psychotherapies for intractable RRD family members; or (b) a specific type of family therapy that also incorporates and utilizes the foci and modifications proposed for the individual psychotherapies; and (c) possible use of both (a) and (b).
2. Teamwork among the legal and mental health professionals, which includes: (a) ongoing collaboration between the legal and mental health professionals throughout the duration of the clinical intervention; and (b) communication of the team with the court that allows for oversight and monitoring of the family members' progress, which supports the clinical interventions by adding a component of structured accountability.

In practice, it is valuable to follow these guidelines from the outset of the work with an RRD family, because by the time the case reveals itself to be intractable, it would be too late to modify the intervention and institute the necessary provisions to address the intractability.

The challenges of intractable RRD families push on the role boundaries of professionals who work with families of divorce. Efforts to help intractable RRD families underscore the need for a paradigm shift in the way the various professionals conceptualize their roles in order to create collaborative teamwork that is aimed at benefiting the family's well being. This shift is similar to and compatible with some of the modifications that already have been called for in the larger family court system, such as the need for therapeutic jurisprudence (Babb, 2014).

The authors acknowledge some of the limitations within their proposal for an extension of the MMFI approach. First, it is fairly new, and although the model has worked well insofar as it has been employed, there has been no research that evaluates its effectiveness. While there is a frustrating absence of good research and empirical data to direct interventions, there remains the pressing need to help these families. While waiting for direction from empirical evidence, interventions are guided by many factors, including clinical experience.

Some parts of the proposed changes have already been put into practice by professionals who keep up with the literature within their fields of specialization, who adapt to new approaches when working with their clients, and who have already developed trusting interdisciplinary relationships with colleagues through experiences in working with problematic families. These professionals have made shifts in their perceptions about what the work with RRD families requires through experiencing the advantages of modified therapies and collaborative teamwork with these families. Recognizing and formalizing their efforts in this direction has led, in part, to the authors' formulation of the guidelines proposed within this article.

APPENDIX A: SAMPLE STATEMENTS FOR COURT ORDERS WITH RRD FAMILIES

Note: This is not a model for a complete court order or stipulation. Instead, these statements are examples of how support for the family intervention may be woven into a stipulation or court order. It is expected that these statements would be modified to meet the needs of a particular family and/or court. These statements reference *Mother* as the rejected parent and *son* as the child who is rejecting Mother, but could just as easily be written to reference *Father* and *daughter*, or some other variation.

1. Mother and Father shall promptly facilitate receiving the services of Dr. X (family therapist). All family members shall participate in the family therapy with Dr. X, and cooperate fully with the services of Dr. X.

2. The Court expects that Mother and Father shall engage with Dr. X in good faith and in a manner that reflects their mutual commitment to the specified goal of the family therapy, that their son has healthy, positive relationships with *both* parents and members of both households.

3. Dr. X will assist *son* with the goal of re-establishing and developing the best possible relationship with Mother.

4. The Court expects that Mother and Father shall cooperate promptly with scheduling and follow-through with all appointments ordered by the court and/or requested by Dr. X., provide releases and background information as Dr. X requests. Father will transport son to and from appointments with Dr. X.

5. The Court will be monitoring the participation and anticipated progress of Mother, Father, and son. To the extent that Dr. X determines that siblings or other family members are necessary or important to achieving the goals of the family therapy, the Court shall also monitor their participation.

6. The Court will set Case Management Conferences (CMCs) or potential hearing dates every 60 days for this case, until an ending time determined by the Court. Fifteen days before each set date, Dr. X will provide a brief report in writing to the attorneys and the court. The attorneys can cancel the CMC or hearing date upon agreement. Further CMC or hearing dates are scheduled for _____, _____, _____.

7. Dr. X is encouraged to write to the Court directly, copied simultaneously to the various lawyers for the parents and the children, in the event that Dr. X encounters difficulty with securing the cooperation of the parents, and concludes that the Court's assistance is necessary to meet the goals of the family therapy as set forth here and in _____.

8. If Dr. X does not feel s/he can continue as the family therapist for any reason, the parties shall attempt to agree upon a qualified, substitute therapist. If the parties are unable to agree, each party shall submit one or more recommendations and the court shall appoint the family therapist. Neither party may unilaterally terminate the services of the family therapist without an order of this court.

9. Dr. X's fees shall be shared in the following way:

Mother pays _____%, Father pays _____%.

Dr. X shall be paid in a timely manner according to his/her Treatment Agreement. Non-payment of fees shall be construed by the Court as a form of non-cooperation with Dr. X's treatment. The Court shall reserve jurisdiction to modify the fee sharing arrangement in the event that the court makes a finding that a parent is not cooperating with this order.

Judge's Participation and Compliance Agreement, for use with an adolescent**

I, _____, understand that the Judge has the power to make decisions about whether my mom or dad has legal or physical custody of me. I know that I have a right to tell the Judge what my opinion is and that the Judge makes this decision based on what s/he believes to be in my best interests.

PLTF0392

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As part of this court case, I understand that the Judge will give my dad legal and physical custody of me. As a condition of that custody, the Judge has ordered my dad to schedule, and make sure that I attend and participate in family therapy with Dr. X for the purpose of my having the best possible relationship I can have with my mom. I understand that Dr. X will listen to my concerns and ensure that contact with my mom is consistent with my best interests.

Therefore, I agree to do the following things:

1. Attend all therapeutic sessions and appointments that my parent schedules for me.
2. Communicate and cooperate with Dr. X.
3. Participate in contacting and communicating with my other parent as recommended by Dr. X, even when it is uncomfortable for me, and
4. Follow through with the parenting timeshare schedule.

Dated: _____

 Signature of Adolescent

Dated: _____

 Signature of Minor's Counsel

**This agreement is written on Court stationery (e.g. In the Superior Court of the State of . . . for the County of . . . in the matter of, Case Number. . . , labeled as Participation and Compliance Agreement For . . .name of child), and once signed, it is filed with the Court stamped with the date filed.

NOTES

1. Discussion of RRD families in this article specifically does *not* include families in which a child rejects a parent because of recognized, clearly established abuse or intimate partner violence by that parent. Abuse cases pose problems and challenges very different from those of the RRD. Confusion may have occurred because interventions for both types of cases have misleadingly been labeled as “reunification therapy.”

2. The discussion in this article is based primarily on the author’s experience with the Multi-Modal Family Intervention (MMFI), a child-centered, multi-tiered intervention that involves all family members, and utilizes a collaborative team of professionals with different roles and levels of authority.

3. A recent example, given great attention by the media, occurred in Michigan when a family court judge ordered the rejecting children to a juvenile detention facility after they refused the judge’s suggestion of trying to have lunch with their father (Abbey-Lambertz, 2016).

4. Some favored parents cannot be dissuaded of their belief about sexual abuse by the rejected parent despite repeated disconfirmation by investigations of the Department of Human Services (called Child Protective Services or Department of Child Family Services in different jurisdictions), the findings and conclusions of a custody evaluation, or information available from evidentiary court proceedings. Some favored parents take their story from one venue to another, even moving to a different city so that the case can be retried. A favored parent may resurrect a previously disproved allegation years later, placing a rejected parent, who had been previously cleared of the allegations, once again in a defensive position.

5. In fact, these cases are especially vulnerable to intractability since each parent points to real, legitimate behavior on the part of the other parent that actually contributes to the problem, which then buttresses their resistance to recognizing their own contributions.

6. There are also limitations on the court, both financial and time, which limit the availability of the judge to perform this role.

7. In the discussion concerning different therapies for the parents and children, note that when it is not financially feasible or otherwise desirable to have several ongoing individual psychotherapies, some of the components that are described in the sections about the individual therapies can be incorporated into the family therapy by the family therapist.

8. One goal of the child therapy is to correct inaccurate beliefs about the rejected parent, replacing those with beliefs based on their own experiences, past and current. Although in some cases this process may start spontaneously as children regain ongoing contact with the rejected parent, most children need ongoing help to work through this process. An assumption that children at a certain age spontaneously review and revise their beliefs about their parents on their own has not been substantiated. Johnston and Goldman (2010) did find that many adult children were sufficiently curious about their previously rejected parent to seek contact with them. However, this contact was not always sustained, nor did it necessarily result in revisions in their beliefs about the rejected parent.

9. Examples of how the collaborative work can facilitate the intervention include:

(1) *Protecting the child.* The parenting coordinator mitigates the impact of the child's exposure to and influence of the alienating behaviors of the favored parent. The court can issue court orders addressing enmeshment of a child with a parent, directing that the child be removed from home schooling; be required to sleep in their own bed; and be enrolled in age-appropriate activities. The enmeshed parent can be ordered to schedule sleepovers for the child; to enroll the child in 'sleep-away' summer camp; and to limit their volunteer time in the child's school.

(2) *Working with the favored parent.* The favored parent's attorney can explain there are long-term consequences of the alienating behaviors for the client's relationship with their child that may involve the potential loss of custodial time and even a change of custody. The court can impose sanctions and consequences on the favored parent such as reducing the favored parent's time with the child, or requiring supervision of the time the favored parent has with the child, or, if this is not effective, the court can impose a period of no contact between the favored parent and the child. If the favored parent's alienating behaviors recur even after a period of no contact, or even a change of custody, a brief re-evaluation by a skilled custody evaluator may be helpful in order to determine the best course of action.

(3) *Effecting a change of custody.* This very serious decision cannot be undertaken without the judge having convincing and persuasive supporting information gleaned from members of the collaborative team that it would be in the best interests of the child. The change creates a family crisis that requires immediate, well-orchestrated help from the mental health practitioners for the parents and the children. A program that offers a start in that direction is the Family Bridges program (Warshak, 2010). The aim of this program is to give the child a chance to see the rejected parent in a new light, while removed from the source of the alienation and misinformation about that parent. In the wake of a change in custody, the Family Bridges program suggests that the favored parent not have contact with the child for a specified period of time, such as ninety days. Although difficult to enforce, restrictions on the child's contact with the favored parent can be monitored by the collaborative team in various ways, and violations of the restriction can have the pre-set consequence of prolonging the period of time for restriction of contact.

10. The authors understand that not all jurisdictions/states have statutory or case law providing for court-ordered therapeutic interventions. Further we understand that in some jurisdictions where there is no statutory or case law authority to order therapy, some judges and attorneys question whether the court has authority to accept and enforce agreements for therapy. Some states, however, such as California, give the courts clear authority to do both (cf. FL 3190 et. Seq.). Where no statutory authority exists for the judge to order therapy, the burden is on the custody evaluator to recommend specific terms, and on the attorneys to negotiate and stipulate to an acceptable therapeutic intervention.

11. The court order may be stipulated or adjudicated depending upon the jurisdiction.

12. The latter can be helpful with an adolescent who is resistant to following the court orders to have some therapeutic contact with the rejected parent. A meeting could be held in the judge's chambers, with minor's counsel and the family therapist present, for the adolescent to hear the judge's reasons for making the order firsthand.

13. More active judges assume the role of a hands-on case manager who is fully committed to seeing the case through the process of implementing the court orders. They prefer to use less formal case management conferences instead of formal hearings. At the case conference the judge, attorneys, and mental health professionals sit around a table to work on issues together rather than having two sides argue the facts and law as would occur in a typically adversarial hearing.

14. This does not mean that in order to receive the information, a motion and hearing is required. It simply means that anything the judge sees or hears must be copied or must include the attorneys for all parties. A clearly defined procedure agreed to by all parties is required.

15. For example, in 2011, California's Legislature amended the statute governing child testimony (Cal. Fam. Code §3042 (2011)). At the direction of the legislature, California's Judicial Council adopted Cal. Rules of Court, rule 5.250. Together, these new laws create a presumption in favor of the Court hearing the views of children age fourteen and up, and set forth a variety of ways in which those views may be communicated to the court.

16. Some family court judges address the adolescent within the courtroom, with both parents present, as well as their lawyers, all of whom are "witnesses" to what is said (personal communication, California Superior Court Commissioner Marjorie Slabach (ret.), August, 2015).

17. The authors are aware that in many states parenting coordinators can only become involved in a case through stipulation, and not through a court-order. The expense involved in working with a parenting coordinator is another factor that bars them from being utilized more frequently.

18. With a hands-on judge who presides over the case management conferences, the judge assumes the role of the leader of the team of professionals.

19. Of course, the family therapist avoids offering recommendations or opinions, which only the empowered parent coordinator can do, and is careful to preserve the integrity of the clinical role and to maintain therapeutic neutrality.

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Marjorie Gans Walters, Ph.D., is an Oregon-licensed psychologist with extensive experience in working with divorcing families in clinical and forensic roles. Her work concentrates on facilitation of the repair, reintegration, and reorganization of parent-child/family relationships that have been disrupted or lost in the context of separation or divorce, through alienation, estrangement, or for other reasons. She has written about the Multi-Modal Family Intervention, designed to resolve postdivorce parent-child contact problems, as well as attainment of a "Tenable Middle Space" for children experiencing high-conflict divorce. Her published articles appeared in peer-reviewed journals, including Family Court Review, Journal of Child Custody, American Journal of Forensic Psychology, and Journal of Emotional Abuse. She has presented her work at conferences of local, state, and national professional organizations. Currently, she provides consultation to attorneys and mental health professionals, as well as to divorcing individuals, and she does family therapy and co-parenting counseling.

Steven Friedlander, Ph.D., is a clinical psychologist in private practice with offices in Marin and San Francisco Counties. His practice includes psychotherapy and psychological testing with children, adolescents, and adults; consultation to other professionals; parent consultation and co-parent counseling; mediation; family intervention when a child is refusing or resisting contact with a parent; child custody evaluations; and special master/parent coordination in high conflict postdivorce cases. He also consults to attorneys and other professionals in child custody matters. He is a clinical professor in the Department of Psychiatry, University of California San Francisco.

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PLTF0397

ROA001838

Trial Exhibit 10
Video taken March 16, 2021

Trial Exhibit 11
Video taken March 17, 2021

Trial Exhibit 12
Video taken March 17, 2021

1 **ORDER**
2 FRED PAGE, ESQ.
3 NEVADA BAR NO. 6080
4 PAGE LAW FIRM
5 6930 SOUTH CIMARRON ROAD, SUITE 140
6 LAS VEGAS, NEVADA 89113
7 (702) 823-2888 office
8 (702) 628-9884 fax
9 Email: fpage@pagelawoffices.com
10 Attorney for Defendant/Counterclaimant

6 **EIGHTH JUDICIAL DISTRICT COURT**
7 **COUNTY OF CLARK**
8 **STATE OF NEVADA**

9 MAGGIE J. ROE nka MAGGIE COX, } Case No.: D-11-450074-D
10 Plaintiff/Counterclaimant, } Dept. U
11 vs. } **Hearing Date: March 11, ~~2021~~²⁰²²**
12 JASON J. ROE, } **Hearing Time: 9:00 a.m.**
13 Defendant/Counterdefendant. }
14

15 **ORDER FROM MARCH 11, ~~2021~~²⁰²², HEARING**

17 The evidentiary hearing regarding custody came on for hearing in front of
18 the Hon. Dawn Thorne on the above referenced date and time.
19 Defendant/Counterclaimant, JASON ROE, was present and was represented by
20 and through his counsel, Fred Page, Esq. Plaintiff/Counterdefendant, MAGGIE
21 ROE nka MAGGIE COX, was present and was represented by through her
22 counsel, Melvin Grimes, Esq. The Court having reviewed the papers and
23 pleadings on file, and having entertained oral argument hereby makes the
24 following findings and enters the following orders.
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1 **THE COURT HEREBY ORDERS** that Plaintiff's no contact order with
2 the minor child is lifted. Plaintiff may send the minor child mail correspondence
3 (cards, notes, gifts, and etc.) Plaintiff may have positive phone contact/text
4 messages with the minor child.
5

6 **IT IS FURTHER ORDERED** that Corrine Price, Esq. is released from
7 being the parenting coordinator.
8

9 **IT IS FURTHER ORDERED** that Jessica Burton, LCSW shall be
10 provided Maureen Zelensky's M.S., MFT report and the reports of Sunshine
11 Collins, Psy.D.
12

13 **IT FURTHER ORDERED** that Sandy Miller, MA, MFT shall be contacted
14 as to continuing sessions for the minor child.
15

16 **IT IS FURTHER ORDERED** that Counsel Grimes may submit proposed
17 Findings of Fact, Conclusions of Law, and Orders.
18

19 **CHILD CUSTODY NOTICES**

20 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions
21 of NRS 125C.065(1) and NRS 200.359, which provide: "If custody has been
22 established and the custodial parent or a parent having joint custody intends to
23 move his residence to a place outside of this state and to take the child with him, he
24 must, as soon as possible and before the planned move, attempt to obtain the
25 written consent of the other parent to move the child from the state. If the
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1 noncustodial parent or other parent having joint custody refuses to give that
2 consent, the parent planning the move shall, before he leaves the state with the
3 child, petition the court for permission to move the child. The failure of a parent to
4 comply with the provisions of this section may be considered as a factor if a
5 change of custody is requested by the noncustodial parent or other parent having
6 joint custody;” as well as NRS 125C.045(6) which provides:
7
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9 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
10 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION
11 OF THIS ORDER IS PUNISHABLE, AS A CATEGORY D
12 FELONY, BY UP TO 6 YEARS IN PRISON AS PROVIDED IN
13 NRS 193.130. NRS 200.359 provides that every person having a
14 limited right of custody to a child or any parent having no right of
15 custody to the child who willfully detains, conceals or removes the
16 child from the parent, guardian or other person having lawful custody
17 or a right of visitation of the child in violation of an order of this
18 court, or removes the child from the jurisdiction of the court without
19 the consent of either the court or all persons who have the right to
20 custody or visitation is subject to being punished by imprisonment in
21 the state prison for not less than 1 year nor more than 6 years, or by a
22 fine of not less than \$1,000 nor more than \$5,000, or by both fine and
23 imprisonment.

24 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.045, the terms
25 of the Hague Convention of October 25, 1980, adopted by the 14th Session of the
26 Hague Conference on Private International Law are applicable to the parties.
27 Nevada is hereby declared the State, and the United States of America is hereby
28 declared the country, of habitual residence of the child for the purposes of applying
the terms of the Hague Convention as set forth above.

1 graduates from high school or reaches 19 years of age, whichever comes first
2 (NAC 425.160 (1)).

3 **NOTICE IS HEREBY GIVEN** to both parties that the parent having the
4 child support obligation is subject to NRS 125.450 and NRS 31A.020 through
5 31A.230, inclusive, regarding the immediate withholding or assignment of wages-
6 commissions or bonuses for payment of child support, whether current or
7 delinquent.

8 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, either
9 party may request that the Court review the child support obligation every three
10 years or upon changed circumstances.

11 Dated this 7th day of April, 2022

12 
13 _____
14 *sa*

15 **A6B DDB 46D8 F97E**
16 **Dawn R. Throne**
17 **District Court Judge**
18 Approved as to form and content:
19 **ROBERTS STOFFEL FAMILY**
20 **LAW GROUP**

21 Respectfully submitted:
22 **PAGE LAW FIRM**

23 *Fred Page*
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/Counterclaimant

signature not obtained
MELVIN GRIMES, ESQ.
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4411 South Pecos Road
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Attorney for
Plaintiff/Counterdefendant

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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 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: 4/7/2022

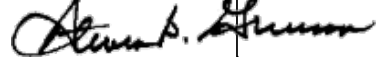
- | | |
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If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 4/8/2022

Claudia Schwarts 1820 E Warm Springs RD STE 125
Las Vegas, NV, 89119

Fred Page 6930 South Cimmaron Road Suite 140
Las Vegas, NV, 89113



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**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

MAGGIE J. ROE nka MAGGIE COX,	}	Case No.: D-11-450074-D
Plaintiff/Counterclaimant,		
vs.	}	Dept. U
JASON J. ROE,		
Defendant/Counterdefendant.		

DEFENDANT'S BRUNZELL MEMORANDUM OF FEES AND COSTS

Defendant, JASON J. ROE, by and through his attorney, Fred Page, Esq., hereby submits his Memorandum of Fees and Costs. The attached billing statements directly relate to fees and costs incurred in the undersigned case from the events leading up to the March 19, 2022, hearing to the present. This Memorandum of Fees and Costs is based upon the attached Points and Authorities


///

///

1 and the entire case file. The billing records for Defendant cover the period from
2 March 2021, through to the present.

3 DATED this 11th day of April 2022

4 PAGE LAW FIRM

5
6 
7
8 _____
9 FRED PAGE, ESQ.
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11 6930 South Cimarron Road, Suite 140
12 Las Vegas, Nevada 89113
13 (702) 823-2888
14 Attorney for Defendant

15 **POINTS AND AUTHORITIES**
16 **I.**
17 **FACTUAL BACKGROUND**

18 The evidentiary hearing in this matter was held on March 10, 11, and 31,
19 2022, regarding Jason request to be awarded primary physical custody of Hunter
20 and for child support. Jason prevailed in his request for primary physical custody
21 and this Court ordered that Jason be awarded his attorney's fees and costs for the
22 events leading up to the March 2021, hearing wherein Jason was awarded interim
23 sole legal and sole physical custody. Jason was directed to file a Memorandum of
24 Fees and Costs. This Court excluded the fees and costs from August 2020, to the
25 period before the events leading up to the March 2021, hearing.
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II.
GOVERNING LAW AND ARGUMENT

Requests for fees are governed by Nevada Rule of Civil Procedure Rule 54.

The Rule states in pertinent part;

B. Timing and contents of the Motion. Unless a statute provides otherwise, the motion must be filed no later than 20 days after notice of entry of judgment is served; specify the judgment and the statute, rule, or other grounds entitling the movant to the award; state the amount sought or provide a fair estimate of it; and be supported by counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, documentation concerning the amount of fees claimed, and points and authorities addressing appropriate factors to be considered by the court in deciding the motion. The time for filing the motion may not be extended by the court after it has expired.

Jason's request for fees is supported by a *Brunzell* Affidavit of counsel stating that the fees were actually and necessarily incurred and were reasonable.

Nevada Rule of Civil Procedure 54 states in pertinent part;

(d) Attorney Fees.

(1). Reserved

(2). Attorney Fees

(A.) Claim to Be by Motion. A claim for attorney fees must be made by motion. The Court may decide a postjudgment motion for attorney fees despite the existence of a pending appeal from the underlying final judgment.

(B). Timing and Contents of the Motion. Unless a statute or court order provides otherwise, the motion must:

(i) be filed no later than 21 days after written notice of entry of judgment is served;

(ii) specify the judgment and the statute, rule or other grounds entitling the movant to the award;

1 (iii) state the amount sought or provide a fair
estimate of it;

2 (iv) disclose, if the court so orders, the
3 nonprivileged financial terms of any agreement about fees for
the services for which the claim is made; and

4 (v) be supported by:

5 (a) counsel's affidavit swearing that
6 the fees were actually and necessarily incurred and
were reasonable;

7 (b) documentation concerning the
8 amount if fees claimed; and

9 (c) points and authorities addressing
10 the appropriate factors to be considered by the court in
deciding the motion.

11 **NRCP 54(2)(d)(2)(B)(i): The Motion must be filed no later than 21 days**
12 **after written notice of entry of judgment is served**

13 Jason's Memorandum is timely. Jason's Memorandum is being filed by the
14
15 deadline set by the Court.

16 **NRCP 54(2)(d)(2)(B)(ii): The Motion must specify the judgment and**
17 **the statute, rule, or other grounds entitling the movant to the award**

18 The judgment entitling Jason to an award of attorney's fees is this Court's
19
20 order issued from the bench on March 31, 2022, wherein Jason was awarded
21 primary physical of Hunter, was awarded the tax dependency exemption for
22 Hunter going forward with the 2022 tax year, and Maggie's child support was set
23 going forward.
24

25 Additional grounds which entitle Jason to an award of attorney's fees
26
27 includes:
28

1 1. NRS 125.040(1)(c) which states that fees may be awarded, “[t]o enable
2 the other party to carry on or defend such suit.” Such financial orders
3 may be made pursuant to NRS 125.040(2), which states, “[t]he court may
4 make any order affecting property of the parties, or either of them, which
5 it may deem necessary or desirable to accomplish the purposes of this
6 section. Such orders shall be made by the court only after taking into
7 consideration the financial situation of each of the parties.”
8

9
10 2. *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).
11 The *Brunzell, infra*, holding requires the parties to engage in analysis
12 under *Osburn* regarding any financial disparity between the parties.
13

14
15 3. Fees can and should be awarded to Jason under *Brunzell v. Golden Gate*
16 *National Bank*. 85 Nev. 345, 455 P.2d 31 (1969).
17

18 **NRCPC 54(2)(d)(2)(B)(iii): The Motion must state the amount sought or**
19 **provide a fair estimate of it**

20 Jason was been charged from March 7, 2021, to May 26, 2021, \$3,678.61 to
21 obtain the interim orders giving him sole legal and sole physical custody. For the
22 time period of June 1, to June 30, 2022, Jason was charged \$599.50. For the time
23 period of July 1, to July 31, 2022, Jason was charged \$636.00. For the time period
24 from August 1, to March 31, 2022, Jason was charged \$14,362.45. The total
25 amount of fees and costs that Jason incurred from March 7, 2021, the date that
26
27
28

1 Hunter was arrested to the date Jason was awarded primary physical custody is

2 \$19,701.56

3 **NRCP 54(2)(d)(2)(B)(iv): Disclose, if the court so orders, the**
4 **nonprivileged financial terms of any agreement about fees for the**
5 **services for which the claim is made**

6 There was a fee agreement when Jason originally retained this office back at
7
8 the end of July 2011. There have been no updated fee agreements with Jason since
9 then.

10 **NRCP 54(2)(d)(2)(B)(v)(a): be supported by counsel's affidavit swearing**
11 **that the fees were actually and necessarily incurred and were**
12 **reasonable**

13 A *Brunzell* affidavit from Jason's counsel is attached to the end of this
14
15 Motion stating that the fees incurred were reasonable and necessary.

16 **NRCP 54(2)(d)(2)(B)(v)(b) documentation concerning the amount of**
17 **fees claimed**

18 A copy of the billing statements showing the work done is attached as
19
20 Exhibit A.

21 **NRCP 54(2)(d)(2)(B)(v)(c) for Point and Authorities addressing the**
22 **appropriate factors to be considered by the court in deciding the motion**

23 The analysis required under this portion of NRCP 54 is addressed below.
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III.
ANALYSIS REQUIRED UNDER NRCP 54(2)(d)(2)(B)(v)(c)

A. Specific Statutory Authority is Provided for this Court to Award Jason the Attorney's Fees He Has Incurred

The Court is specifically authorized by the Nevada Revised Statutes to award attorney's fees. Nevada Revised Statute 125.040(1)(c) provides this Court specific authority to award Jason the attorney's fees he has incurred in this matter.

In addition to the specific authority given to this Court to award fees under NRS 125.040(1)(c), this Court is given additional specific authority to award fees by the Legislature under NRS 18.010. There is no legal or factual dispute that Jason was the prevailing party. Fees may also be awarded to Jason under EDCR 7.60 for Maggie vexatiously increasing the fees in the case.

B. Jason Should be Awarded the Attorney's Fees He Has Incurred Under *Brunzell v. Golden Gate National Bank*

With specific reference to Family Law matters, the Supreme Court has readopted "well-known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services qualities, commonly referred to as the *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) factors:

1. *The Qualities of the Advocate*: his ability, his training, education, experience, professional standing and skill.

1 2. *The Character of the Work to Be Done:* its difficulty, its intricacy, its
2 importance, time and skill required, the responsibility imposed and the
3 prominence and character of the parties where they affect the
4 importance of the litigation.
5

6 3. *The Work Actually Performed by the Lawyer:* the skill, time and
7 attention given to the work.
8

9 4. *The Result:* whether the attorney was successful and what benefits
10 were derived.
11

12 Application of those factors under *Brunzell*, is as follows:

13 1. *Qualities:* Counsel is very experienced in domestic relations litigation
14 and is a certified Family Law Specialist.
15

16 2. *Character of the Work Done:* The case was of significant complexity and
17 required analysis of showing that there was a material change in
18 circumstances and that it was in Hunter's best interests that custody be
19 changed.
20

21 3. *Work Actually Performed:* Counsel has expended a significant amount of
22 skill, time, and attention to the work in this case. The fees charged by are
23 very reasonable, the hourly rate not having changed since Jason retained
24 counsel back in 2011, and compensable, as well.
25
26
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28

1 4. *The Result*: Jason received the result he requested, back in August 2020,
2 which is primary physical custody, the tax dependency exemption for
3 Hunter, and child support from Maggie.

4
5 Additionally, in *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071,
6 1073 (1998), the Supreme Court stated that family law trial courts must also
7 consider the disparity in income of the parties when awarding fees. Therefore,
8 parties seeking attorney fees in family law cases must support their fee request
9 with affidavits or other evidence that meets the factors in *Brunzell* and *Wright*. See
10 *Miller v. Wilfong*, 121 Nev. 619, 623–24, 119 P.3d 727, 730 (2005). (quoting
11 *Wright v. Osburn*, 114 Nev. at 1370, 970 P.2d at 1073).

12
13
14
15 As to Maggie’s vexatious conduct, there are many examples. Maggie
16 refused to allow for there to be a cooling off period after the March 7, and March
17 16, arrests. Maggie tried to get out of paying child support after the March 19,
18 2021, hearing by filing a Motion. Maggie refused to pay the correct amount of
19 child support after the September 27, 2021, hearing, claiming she misunderstood
20 the amount.
21

22
23 Maggie failed to pay for and attend the counseling sessions with Sunshine
24 Collins, Psy.D. without good cause and instead spent monies on frivolous items
25 rather than speeding up reunification. Maggie refused to settle the case after
26
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1 receiving the horrific report from Dr. Collins regarding her behavior in mid-
2 January. At the Calendar Call, this Court also told Maggie the correct amount of
3 child support to pay
4

5 Then, after Ms. Cooley's and Dr. Collins' testimony, this Court indicated
6 where it was going, suggested that the parties settle the case. Not only did Maggie
7 refuse to settle the case and save everyone another day of trial, and re-start
8 reunification counseling, Maggie doubled down and spent \$2,000 on Maureen
9 Zelensky to have her testify.
10
11

12 By way of contrast, Dr. Collins only charged \$700 for her testimony.
13 Maggie again failed to pay the correct amount of child support in March claiming
14 that she misunderstood. As of April 11, Maggie still has not paid any child support
15 for April. Maggie's conduct has been wholly vexatious from start to finish. Fees
16 are warranted against Maggie pursuant to EDCR 7.60.
17
18

19 Jason filed a Financial Disclosure Form on March 18, 2021, showing he that
20 works as a rental agent for Ahern Equipment Rental and makes \$2,419.08 per
21 month. Maggie is employed by the Clark County School District and makes
22 \$6,083.50 per month.
23
24

25 Maggie makes more than twice the amount of gross monthly income than
26 does Jason. The evidentiary record was replete with frivolous and luxury
27
28

1 expenditures by Maggie including, life coaches, Fiji water delivery, and travel.
2 The fact that Maggie makes more than twice the gross monthly income that Jason
3 does should also be a factor for the Court to consider in the amount of attorney's
4 fees awarded by this Court to Jason.
5

6 **III.**
7 **CONCLUSION**

8 WHEREFORE, Defendant JASON ROE, respectfully requests that the
9 Court award her the \$19,701.56 in attorney's fees and costs he has incurred.
10

11 DATED this 11th day of April 2022

12 PAGE LAW FIRM

13
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16 

17 FRED PAGE, ESQ.
18 Nevada Bar No. 6080
19 6930 South Cimarron Road, Ste.140
20 Las Vegas, Nevada 89113
21 (702) 823-2888
22 Attorney for Defendant
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1 **DECLARATION OF FRED PAGE, ESQ. IN SUPPORT OF AWARD OF**
2 **ATTORNEY'S FEES BASED UPON THE BRUNZELL FACTORS**

3 Declarant, Fred Page, Esq., being duly sworn declares and states:

4 1. I am the attorney of record for Defendant, JASON J. ROE.

5 2. I have been licensed to practice law in the state of Nevada for over 25
6 years.

7 3. I have participated in over one thousand motion hearings and have
8 participated in hundreds of trials and am a certified family law specialist.

9 4. The issues in this case are important as Defendant is entitled to be
10 awarded primary physical custody, to receive the tax dependency exemption and to
11 receive child support.

12 5. The issues regarding Defendant being awarded primary physical
13 custodian are complex and require in depth knowledge of domestic relations law.

14 6. The undersigned has performed nearly 100 percent of the work in
15 getting the case ready for and through trial.

16 7. I have personal knowledge of the above fees and costs incurred and
17 the items contained in the above memorandum are true and correct to the best of
18 my knowledge and belief.

19 8. The undersigned has charged, per the Memorandum of Fees and
20 Costs, \$19,276.56 in attorney's fees and costs. The fees and costs have been
21

1 necessarily incurred and are reasonable. Fees are authorized by *Brunzell v. Golden*
2 *Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969); NRS
3 125.040(1)(c), and NRS 18.010. The fees charged in this matter are reasonable
4 and necessary to obtain primary physical custody for Jason, the tax dependency
5 exemption and child support in accordance with the Nevada Revised Statutes and
6 the existing case law.
7
8

9 **I declare under penalty of perjury, under the laws of the State of**
10 **Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that**
11 **the foregoing is true and correct.**


12 Executed this 11th day of April 2022

13
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15 
16 FRED PAGE, ESQ.
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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that on the 11th day of April 2022, the foregoing DEFENDANT'S *BRUNZELL* MEMORANDUM OF FEES AND COSTS was served pursuant NEFCR 9 via e-service to Melvin Grimes, Esq. attorney for Plaintiff


An employee of Page Law Firm

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 264
Date: 06/01/2021
Due On: 07/01/2021

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	12/09/2020	Review and analyze: Reviewed email from Maureen Zelensky regarding not having the report done on time, she summarized what she has done so far and what remains to be done, reviewed response from Amanda that it is probably better is she asks for a short continuance	0.10	\$225.00	\$22.50
Service	12/14/2020	Review and analyze: Reviewed letter from Maureen Zelensky to the Court requesting a continuance of the hearing, downloaded, drafted email to Mr. Roe, attached letter from Ms. Zelensky to the Court and advised Mr. Roe that the hearing would probably get continued	0.10	\$225.00	\$22.50
Service	12/23/2020	Review and analyze: Reviewed Third Supplement to Production of Witnesses and Documents Pursuant to NRPC 16.2 provided by opposing counsel, involved the dog bite regarding Hunter, downloaded the production and emailed to Mr. Roe, photographs were to large to attach to an email, set up a drop box link for Mr. Roe access, uploaded the photographs to drop box	0.20	\$225.00	\$45.00
Service	01/07/2021	Draft and revise: Reviewed letter from opposing counsel wanting to continue the hearing for 30 days, drafted and emailed a response letter to opposing counsel advising that it is up to Ms. Zelensky to determine whether she needs more time, saved both letters, drafted an email to Mr. Roe, attached copies of both letters and sent to Mr. Roe for his records.	0.20	\$225.00	\$45.00
Service	01/11/2021	Review and analyze: Reviewed Notice from opposing counsel being sent to Ms. Zelensky that the hearing was being continued, called opposing counsel, spoke to the paralegal, she indicated that she sent an Ex Parte Request for the hearing to be continued	0.10	\$225.00	\$22.50

Service	02/17/2021	Calendar new hearing date	0.10	\$95.00	\$9.50
Service	02/22/2021	Review and analyze: Reviewed and analyzed report from Maureen Zelensky, drafted and sent email to Mr. Roe about the report, reviewed his response and responded	0.40	\$225.00	\$90.00
Service	02/23/2021	Telephone call: Telephone call with Patricia Marr regarding attending hearing	0.10	\$225.00	\$22.50
Service	02/23/2021	Call from Amanda Roberts about the documents sent on December .	0.10	\$95.00	\$9.50
Service	02/24/2021	Review and analyze: Reviewed and responded to emails from opposing counsel wanting to add a supplemental brief for the hearing tomorrow, advised was strenuously opposed to any such thing, forwarded emails to Patricia Marr	0.10	\$225.00	\$22.50
Service	02/25/2021	Attend meeting with client: Attended meeting with Mr. Roe [REDACTED]	0.30	\$225.00	\$67.50
Service	02/25/2021	Attend hearing: Attendance at hearing by Patricia Marr	1.00	\$225.00	\$225.00
Service	02/25/2021	Attend hearing: Attendance at hearing	0.60	\$225.00	\$135.00
Service	03/01/2021	Review and analyze: Reviewed emails and attachments from Mr. Roe regarding Maggie sitting on the advisory board for Lied Middle School, the school that she opposes Hunter attending	0.10	\$225.00	\$22.50
Service	03/03/2021	Draft and revise: Draft and revise to Mr. Roe's Supplement to Production of Witnesses and Documents Pursuant to NRCP 16.2, information regarding magnet schools and the schools closest to each of the parties	0.40	\$225.00	\$90.00
Service	03/03/2021	Review and analyze: Collating and bates labeling the school information provided by Mr. Roe, Exhibits A through M, combined with the NRCP 16.2 Supplement, and e-served on opposing counsel	0.30	\$225.00	\$67.50
Service	03/03/2021	Draft and revise: Order videos	0.10	\$95.00	\$9.50
Service	03/03/2021	Draft and revise: calendar upcoming hearings	0.40	\$95.00	\$38.00
Service	03/07/2021	Telephone call with client: Returned call to Mr. Roe, [REDACTED]	0.10	\$225.00	\$22.50
Service	03/07/2021	Draft and revise: Draft and revise to letter to opposing counsel regarding Maggie having Hunter be arrested and put in Child Haven	0.20	\$225.00	\$45.00

Service	03/11/2021	Review and analyze: Reviewed responsive letter from opposing counsel regarding Maggie still insisting that she is going to pick up Hunter this upcoming week, drafted email attached letter and sent to Mr. Roe for his review.	0.10	\$225.00	\$22.50
Service	03/16/2021	Review and analyze: Reviewed text from Mr. Roe [REDACTED] [REDACTED]	0.20	\$225.00	\$45.00
Service	03/16/2021	Draft and revise: Draft and revise to opposing counsel Stipulation and Order for Mr. Roe to have sole physical custody until the parties return to court	0.30	\$225.00	\$67.50
Service	03/16/2021	Draft and revise: Back and forth emails with opposing counsel regarding her refusing to sign the Stipulation and Order for Mr. Roe to have sole physical custody, and reviewed her proposed Stipulation and Order for the matter to have the matter heard on an expedited basis	0.10	\$225.00	\$22.50
Service	03/16/2021	Draft and revise: download docs to the clients folder	0.10	\$95.00	\$9.50
Service	03/17/2021	Draft and revise: Drafting to Emergency Motion for Sole Physical Custody, Drafting to Exhibit Appendix for Motion, preparing and collating Exhibits and attaching to Exhibit Appendix, Drafting to Ex Parte Application for an Order Shortening Time, telephone call with Mr. Roe on his efforts to pick up Hunter this morning, drafting to Order Shortening Time, printing and signing all, scanning all, filed the Motion, Exhibit Appendix, MOFI, and Ex Parte Application for an Order Shortening Time, emailed the Order Shortening Time to the judge	2.60	\$225.00	\$585.00
Expense	03/17/2021	E-filing fee: E-filing fee for Motion, Exhibit Appendix, MOFI, and Ex Parte Application for an Order Shortening Time	1.00	\$3.50	\$3.50
Service	03/17/2021	Travel: Deliver the Order shortening time to Amanda Roberts.	1.50	\$95.00	\$142.50
Service	03/18/2021	Telephone call: Received telephone call from the judge's secretary, indicated that the Order Shortening Time has been granted, wanted to know if could get served today as the judge wants to set the hearing for Monday	0.10	\$225.00	\$22.50
Service	03/18/2021	Telephone call: Telephone call with staff, gave detailed instructions for downloading the documents and drafting to the receipt of copy and gave directions for personally serving on opposing counsel	0.10	\$225.00	\$22.50
Expense	03/18/2021	E-filing fee: E-filing fee for the Receipt of Copy for the Motion and Order Shortening Time	1.00	\$3.50	\$3.50
Expense	03/18/2021	E-filing fee: file the acceptance of service for the Order	1.00	\$3.50	\$3.50

		shortening time.			
Service	03/18/2021	Draft and revise: calendar the upcoming hearing.	0.10	\$95.00	\$9.50
Service	03/21/2021	Draft and revise: Reviewed email from Mr. Roe [REDACTED]	0.40	\$225.00	\$90.00
Expense	03/21/2021	E-filing fee: E-filing fee for the First Supplement to Exhibit Appendix	1.00	\$3.50	\$3.50
Service	03/22/2021	Review and analyze: Reviewed Opposition and Counter-motion filed by Maggie, drafted email to Mr. Roe [REDACTED]	0.20	\$225.00	\$45.00
Service	03/22/2021	Attend hearing: Attended hearing, argued all, brief de-brief with Mr. Roe post-hearing	1.00	\$225.00	\$225.00
Service	03/22/2021	Telephone call with client: Telephone call with Mr. Roe, [REDACTED]	0.20	\$225.00	\$45.00
Service	03/22/2021	Draft and revise: Order the video	0.10	\$95.00	\$9.50
Service	03/22/2021	Draft and revise: calendar the upcoming hearing	0.10	\$95.00	\$9.50
Service	03/24/2021	Draft and revise: calendar the hearing of May 13, @ 2 p.m	0.10	\$225.00	\$22.50
Expense	03/25/2021	Transcripts: Ordered transcript from hearing	1.00	\$22.61	\$22.61
Service	03/28/2021	Draft and revise: Reviewed transcript from March 22, hearing, continued drafting to the proposed Order from the March 22, hearing, copied and pasted from the transcript extensive findings made by the Court, copied and pasted the orders entered by the Court, drafting to cover letter to opposing counsel for the proposed Order requesting that opposing counsel review, sign, and return within the next 7 days, e-served and emailed to opposing counsel, in preparation for submission to the Court.	1.50	\$225.00	\$337.50
Service	04/01/2021	Draft and revise: Calendar 5/13, 6/24,	0.10	\$95.00	\$9.50
Service	04/07/2021	Review and analyze: Reviewed and analyzed and responded to emails from opposing counsel's office regarding review of the proposed Order from the March	0.10	\$225.00	\$22.50

		22, hearing				
Service	04/07/2021	Draft and revise: Draft and revise to proposed Order from March 22, hearing, incorporated the changes wanted by opposing counsel, drafted a cover letter, printed all, scanned all, and emailed and e-served on opposing counsel	0.20	\$225.00	\$45.00	
Service	04/09/2021	Review and analyze: Reviewed subpoenas duces tecum that opposing counsel provided their notice of intending to issue, downloaded, drafted email to Mr. Roe, attached notices of intent to issue the subpoenas, advised should object since discovery has not been opened, advised need to file a Motion for a Protective Order if necessary	0.10	\$225.00	\$22.50	
Service	04/09/2021	Draft and revise: Draft and revise letter to opposing counsel, re objection to subpoenas duces tecum and e-served on opposing counsel	0.10	\$225.00	\$22.50	
Service	04/09/2021	Draft and revise: Draft and revise formal objections to 4 of the 5 subpoenas duces tecum noticed by opposing counsel, the objection included detailed reasons why the subpoenas should not be issued in preparation for e-serving on opposing counsel	0.40	\$225.00	\$90.00	
Service	04/11/2021	Telephone call with client: Telephone call with Mr. Roe, [REDACTED]	0.10	\$225.00	\$22.50	
Service	04/11/2021	Telephone call with client: Reviewed letter from opposing counsel dated April 7, demanding a response to by April 12, or else, telephone call with Mr. Roe, [REDACTED]	0.30	\$225.00	\$67.50	
Service	04/11/2021	Draft and revise: Continued drafting to correspondence to opposing counsel responding to the April 7, 2021, letter from their office, complained about the threat making, complained that Sandy Miller has not discussed proposed mental health treatment with Mr. Roe, [REDACTED]	0.30	\$225.00	\$67.50	
Service	04/12/2021	Review and analyze and draft and revise: Reviewed letter from opposing counsel complaining about the responsive letter from Sunday, drafted a responsive letter in preparation for e-service of the same	0.30	\$225.00	\$67.50	
Service	04/14/2021	Review and analyze: Reviewed Motion and Exhibit Appendix filed by Maggie, reviewed request for an Order Shortening Time, forwarded to Mr. Roe for his	0.10	\$225.00	\$22.50	

		review and records				
Service	04/14/2021	Draft and revise: Drafted and revise to letter to opposing counsel regarding her overreaching subpoenas duces tecum, advised would be setting up a meet and confer under the discovery rules for tomorrow.	0.10	\$225.00	\$22.50	
Service	04/15/2021	Draft and revise: reviewing the case for orders. last order not on file	0.10	\$95.00	\$9.50	
Service	04/16/2021	Draft and revise: Draft and revise letter to counsel confirming to 2:00 p.m. meeting, reviewed letter from Sandy Miller, reviewed, signed, and returned to the Court	0.20	\$225.00	\$45.00	
Service	04/16/2021	Telephone call with client: Telephone call with Mr. Roe [REDACTED]	0.20	\$225.00	\$45.00	
Service	05/03/2021	Draft and revise: Reviewed Maggie's Motion to Appoint a Reunification Expert, draft and revise to Opposition and Countermotion to Maggie's, phone call with Mr. Roe [REDACTED], sent Mr. Roe a copy for his review and signature	3.50	\$225.00	\$787.50	
Expense	05/03/2021	E-filing fee: E-filing fee for Opposition and Countermotion	1.00	\$3.50	\$3.50	
Service	05/13/2021	Plan and prepare for hearing: Attended meeting with Mr. Roe, [REDACTED]	0.50	\$225.00	\$112.50	
Service	05/13/2021	Attend hearing: Attended hearing, argued all, debrief [REDACTED]	1.20	\$225.00	\$270.00	
Service	05/16/2021	Review and analyze: Reviewed cover letter and proposed Order from May 13, hearing from opposing counsel and forwarded to Mr. Roe via email, drafted correspondence to opposing counsel regarding changes to the proposed Order, also requested that she wait until the Minutes come out or provide time indexes.	0.30	\$225.00	\$67.50	
Service	05/20/2021	Filing: E-mailed Order from March 22 to Judge for signature	0.20	\$95.00	\$19.00	
Service	05/25/2021	Review and analyze: Reviewed and responded to email from Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50	



Service	05/26/2021	Review and analyze: Reviewed, printed, signed, scanned and emailed back to opposing counsel, the stipulation and order regarding school choice for submission to the court and vacating that portion of the June 24, hearing	0.10	\$225.00	\$22.50
Total					\$4,690.11

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
48	11/02/2020	\$2,257.00	\$0.00	\$2,257.00

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
264	07/01/2021	\$4,690.11	\$0.00	\$4,690.11
Outstanding Balance				\$6,947.11
Total Amount Outstanding				\$6,947.11

Please make all amounts payable to: Page Law Firm

Please pay within 30 days.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 297
Date: 06/30/2021
Due On: 07/16/2021

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	06/04/2021	Draft and revise: Drafted and sent email to Mr. Roe with the Order appointing Parenting Coordinator attached.	0.10	\$225.00	\$22.50
Service	06/10/2021	Review and analyze: Reviewed chain of emails between Maggie and Cheryl Miller forwarded by Mr. Roe (non-billable)	0.10	\$225.00	\$22.50
Service	06/21/2021	Review and analyze: Reviewed emails from Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50
Service	06/23/2021	Telephone call with client: Telephone call with Mr. Roe, [REDACTED]	0.20	\$225.00	\$45.00
Service	06/23/2021	Review and analyze: Reviewed texts to and from Maggie regarding [REDACTED]	0.10	\$225.00	\$22.50
Service	06/24/2021	Telephone call with client: Telephone to client, advised of hearing g	0.10	\$95.00	\$9.50
Service	06/24/2021	Draft and revise: Organize and update folder for the upcoming hearing	1.00	\$95.00	\$95.00
Service	06/25/2021	Draft and revise: Reviewed email from Mr. Roe regarding [REDACTED]	0.20	\$225.00	\$45.00
Service	06/29/2021	Review and analyze: Reviewed Financial Disclosure Form and Motion to Reduce Child Support filed by Maggie, in preparation for attending the hearing tomorrow, saved to file, drafted email to Mr. Roe and attached Motion and Financial Disclosure Form for his review	0.10	\$225.00	\$22.50

Invoice # 297 - 06/30/2021

Service	06/30/2021	Plan and prepare for hearing: Planned and prepared for hearing, further review of latest Motion filed by Maggie, reviewed latest Financial Disclosure Form filed by Maggie, reviewed the Financial Disclosure Form filed by Maggie in July 2020, compared the two, reviewed the Motion from the March 2021, hearing, printed out all in preparation for attending the hearing	0.30	\$225.00	\$67.50
Service	06/30/2021	Attend hearing: Attended status check hearing, argued all, the status quo will remain in place, debrief [REDACTED]	1.00	\$225.00	\$225.00
				Total	\$599.50

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
48	11/02/2020	\$2,257.00	\$0.00	\$2,257.00
264	07/01/2021	\$4,690.11	\$0.00	\$4,690.11

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due	
297	07/16/2021	\$599.50	\$0.00	\$599.50	
				Outstanding Balance	\$7,546.61
				Total Amount Outstanding	\$7,546.61

Please make all amounts payable to: Page Law Firm

Please pay within 16 days.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 343
Date: 07/31/2021
Due On: 08/15/2021

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	07/05/2021	Draft and revise: Calendar the hearing of August 10, 2021.	0.20	\$95.00	\$19.00
Service	07/08/2021	Draft and revise: calendar the hearings for August 10 and also the hearing for September 27, 2021	0.30	\$95.00	\$28.50
Service	07/25/2021	Review and analyze: Reviewed email from Mr. Roe [REDACTED]	0.50	\$225.00	\$112.50
Service	07/26/2021	Review and analyze: Reviewed and saved email from Mr. Roe [REDACTED]	0.10	\$0.00	\$0.00
Service	07/26/2021	Review and analyze: Reviewed various emails going back and forth regarding the incident yesterday (non-billable)	0.10	\$0.00	\$0.00
Service	07/26/2021	Review and analyze: Reviewed email from Corinne Price, Esq. regarding reunification therapy with Dr. Collins, called Mr. Roe, and forwarded the email from Corinne to him (non-billable)	0.10	\$0.00	\$0.00
Service	07/26/2021	Telephone call with client: Telephone call with Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50
Service	07/27/2021	Review and analyze: Reviewed email from Sandy Miller offering to schedule Hunter for a therapy session (non-	0.10	\$0.00	\$0.00

		billable)			
Service	07/27/2021	Review and analyze: Reviewed various emails in the case and one of the prior motions (non-billable)	0.20	\$0.00	\$0.00
Service	07/29/2021	Draft and revise: Drafting to Opposition to Motion to Modify Child Support	1.20	\$225.00	\$270.00
Service	07/29/2021	Telephone call with client: Telephone call with Mr. Roe [REDACTED]	0.20	\$225.00	\$45.00
Service	07/29/2021	Draft and revise: Continued drafting to Opposition and Countermotion, adding in additional information regarding overpayments made by Mr. Roe, additional information regarding the days of visitation that Maggie missed, overall review and editing	0.40	\$225.00	\$90.00
Service	07/30/2021	Review and analyze: Prepped and emailed the Opposition and Countermotion to Mr. Roe for his review and approval (non-billable)	0.10	\$0.00	\$0.00
Service	07/30/2021	Review and analyze: Reviewed Mr. Roe's [REDACTED]	0.10	\$225.00	\$22.50
Expense	07/30/2021	E-filing fee: E-filing fee for Opposition and Countermotion	1.00	\$3.50	\$3.50
Service	07/30/2021	Review and analyze: Reviewed Minute Order from the Court regarding the Motion to adjust child support, downloaded and saved to the file, drafted an email to Mr. Roe, attached the Minute and sent	0.10	\$225.00	\$22.50
Service	07/30/2021	Review and analyze: Time spent reviewing the Opposition and Countermotion (non-billable)	0.20	\$0.00	\$0.00
				Total	\$636.00

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
48	11/02/2020	\$2,257.00	\$0.00	\$2,257.00
264	07/01/2021	\$4,690.11	\$0.00	\$4,690.11

Invoice # 343 - 07/31/2021

297	07/16/2021	\$599.50	\$0.00	\$599.50
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Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
343	08/15/2021	\$636.00	\$0.00	\$636.00
			Outstanding Balance	\$8,182.61
			Total Amount Outstanding	\$8,182.61

Please make all amounts payable to: Page Law Firm

Please pay within 15 days.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 567
Date: 09/30/2021
Due Upon Receipt

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	08/01/2021	Review and analyze: Reviewed email from Mr. Roe to Shelly Cooley that Hunter can meet with her on Monday (non-billable)	0.10	\$0.00	\$0.00
Service	08/02/2021	Review and analyze: Reviewed email from guardian ad litem wanting visitation to be suspended, telephone call with Mr. Roe [REDACTED]	0.20	\$0.00	\$0.00
Service	08/03/2021	Review and analyze: Reviewed report and recommendation from the parenting coordinator, drafted email to Mr. Roe [REDACTED]	0.10	\$0.00	\$0.00
Service	08/08/2021	Draft and revise: Draft and revise to Objection to Parenting Coordinator's Recommendations and sent to Mr. Roe for his review and approval.	2.00	\$225.00	\$450.00
Expense	08/09/2021	E-filing fee: E-filing fee for Objection to the Parenting Coordinator's Recommendations	1.00	\$3.50	\$3.50
Service	08/09/2021	Review and analyze: Reviewed emails from Mr. Ro [REDACTED]	0.10	\$0.00	\$0.00
Service	08/09/2021	Draft and revise: Finalize and e-serve Objection	0.14	\$95.00	\$13.30
Service	08/10/2021	Review and analyze and draft and revise: Calendar the hearing of September 27	0.10	\$95.00	\$9.50
Service	08/30/2021	Draft and revise: reaching out opposing counsel for the signature of the order	0.10	\$95.00	\$9.50
Service	08/30/2021	Draft and revise: Reviewed text from Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50

		[REDACTED]			
Service	08/31/2021	Plan and prepare for hearing: E-serve letter re: parenting coordinator to opposing counsel	0.10	\$95.00	\$9.50
Service	09/21/2021	Review and analyze: Reviewed report from Dr. Collins, saved to the file, drafted and sent text message to Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50
Service	09/22/2021	Draft and revise: Reviewed Opposition to Objection and began drafting an revising to Reply to Opposition to Objection to Parenting Coordinator's Report and Recommendation	0.50	\$225.00	\$112.50
Service	09/22/2021	Attend meeting with client: Attended meeting with Jason [REDACTED]	0.10	\$225.00	\$22.50
Service	09/22/2021	Draft and revise: Reviewed Opposition to Objection, continued drafting and revising to Reply and Opposition, reviewed, finalized, printed, signed, and forwarded to staff for e-filing and e-service	2.80	\$225.00	\$630.00
Service	09/23/2021	Draft and revise: Draft Order from July 30 hearing regarding child support	0.30	\$95.00	\$28.50
Service	09/23/2021	Draft and revise: Edit and send Order from July 30 to opposing counsel for approval	0.15	\$95.00	\$14.25
Service	09/27/2021	Attend hearing: Planned and prepared for hearing, attended hearing, [REDACTED]	1.00	\$225.00	\$225.00
				Total	\$1,573.05

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
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567	09/30/2021	\$1,573.05	\$0.00	\$1,573.05
			Outstanding Balance	\$1,573.05
			Total Amount Outstanding	\$1,573.05

Please make all amounts payable to: Page Law Firm

Payment is due upon receipt.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 568
Date: 12/31/2021
Due Upon Receipt

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	10/01/2021	Review and analyze: Reviewed and edited proposed Order from September 27, hearing prepared by staff and returned for e-serve to opposing counsel for their review and signature	0.10	\$225.00	\$22.50
Service	10/01/2021	Draft and revise: Draft Order from September 27 hearing	0.20	\$95.00	\$19.00
Service	10/01/2021	Draft and revise: Edit and email letter to opposing counsel for review	0.15	\$95.00	\$14.25
Service	10/22/2021	Draft and revise: Draft, finalize, and submit Order to Opposing Counsel	1.00	\$95.00	\$95.00
Service	11/11/2021	Filing: Submit Order from Sept 27 Hearing to Judge for Signature	0.15	\$95.00	\$14.25
Service	11/16/2021	Draft and revise: Draft and Revise Notice of Entry of Order from September 27 Hearing, file with Court and e-serve to opposing counsel	0.30	\$95.00	\$28.50
Expense	11/16/2021	E-filing fee: Notice of Entry of Order from Sept. 27	1.00	\$3.50	\$3.50
Service	12/15/2021	Draft and revise: Continued drafting and revising to Opposition and Countermotion, finalized and sent to Mr. Roe for his review and approval	3.00	\$225.00	\$675.00
Service	12/16/2021	Draft and revise: Reviewed updated email from Mr. Roe 	0.10	\$225.00	\$22.50
Service	12/17/2021	Draft and revise: Additional drafting to Opposition and Countermotion, included argument regarding Maggie violating the no contact order, added in argument wherein Maggie admitted in September that child	0.40	\$225.00	\$90.00

support was only reduced \$300 per month, added in the Topaz case for equitable estoppel, sent back to Mr. Roe for his review and signature

Service	12/17/2021	Draft and revise: Draft 1st Discovery requests	1.50	\$95.00	\$142.50
				Total	\$1,127.00

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
567	09/30/2021	\$1,573.05	\$0.00	\$1,573.05

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due	
568	12/31/2021	\$1,127.00	\$0.00	\$1,127.00	
				Outstanding Balance	\$2,700.05
				Total Amount Outstanding	\$2,700.05

Please make all amounts payable to: Page Law Firm

Payment is due upon receipt.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

INVOICE

Invoice # 569
Date: 01/31/2022
Due Upon Receipt

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	01/03/2022	Draft and revise: Finalize and e-serve Discovery requests to OC	0.09	\$95.00	\$8.55
Service	01/06/2022	calendar hearing of Febr 25	0.20	\$95.00	\$19.00
Expense	01/10/2022	E-filing fee: E-filing fee for Opposition to Motion to Disqualify, Opposition to Motion to Amend, Exhibit Appendix in Support of Opposition to Motion to Amend, and Motion-Opposition cover sheets	1.00	\$3.50	\$3.50
Service	01/10/2022	Draft and revise: Continued drafting and revising to Opposition to Motion to Disqualify and continued drafting and revising and preparing to file the Opposition to Motion to Amend, assembling the exhibits in support of the Opposition to the Motion to Amend	1.00	\$225.00	\$225.00
Service	01/10/2022	Review and analyze: Reviewed Requests for Production of Documents, Requests for Admission, and Interrogatories from opposing counsel, forwarded to staff for preparation, forwarded to Mr. Roe for his [REDACTED]	0.20	\$225.00	\$45.00
Service	01/10/2022	Review and analyze: Reviewed Minute Order from the judge vacating the January 18, hearing due to lack of proper service, drafted and sent email to Mr. Roe regarding the same (non-billable)	0.10	\$0.00	\$0.00
Service	01/13/2022	Review and analyze: Reviewed letter from opposing counsel requesting an extension in which to file a Reply, drafted a response advising that his basis for requesting for requesting an extension was incorrect and requesting that he stipulate that Maggie give Mr. Roe permanent primary physical custody	0.20	\$225.00	\$45.00
Service	01/13/2022	Draft and revise: Drafted initial Response to Request	1.00	\$95.00	\$95.00

		for Production of Documents to Plaintiff				
Service	01/13/2022	Draft and revise: Drafted initial Response to Request for Interrogatories to Plaintiff	1.00	\$95.00	\$95.00	
Service	01/13/2022	Draft and revise: Drafted initial Response to Request for Admissions to Plaintiff	0.30	\$95.00	\$28.50	
Service	01/13/2022	Draft and revise: Drafting proposed responses to the Requests for Admission, Requests for Production and the Interrogatories from Plaintiff	1.00	\$95.00	\$95.00	
Service	01/17/2022	Draft and revise: Draft and revise to correspondence to opposing counsel regarding Certificate of Service and Notice of Hearing and e-served	0.20	\$225.00	\$45.00	
Service	01/17/2022	Review and analyze: Reviewed responses to discovery requests prepared by paralegal in preparation in going over what the responses should be with Mr. Roe	0.10	\$225.00	\$22.50	
Service	01/17/2022	Draft and revise: Reviewed Requests for Admission, drafted proposed admissions and denial, saved and email to Mr. Roe [REDACTED]	0.20	\$225.00	\$45.00	
Service	01/18/2022	Review and analyze: Reviewed report from Dr. Collins dated 1-17-22, drafted email to Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50	
Service	01/18/2022	Draft and revise: Drafted and sent letter to opposing counsel regarding the review of Dr. Collins' progress report and again requested that Maggie stipulate to Mr. Roe having permanent primary physical custody and pay child support	0.20	\$225.00	\$45.00	
Service	01/18/2022	Draft and revise: Draft and revise to Supplemental Exhibit in Support of Opposition to Plaintiff's Motion to Disqualify Judge Throne, provided excerpt of progress report from Dr. Collins and attached the progress report as a Supplemental Exhibit	0.40	\$225.00	\$90.00	
Service	01/19/2022	Telephone call: Telephone call with Court obtained link for hearing (non-billable)	0.10	\$0.00	\$0.00	
Service	01/20/2022	Review and analyze: Reviewed Decision and Order from the Chief Judge, forwarded the Decision and Order to Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50	
Service	01/20/2022	Attend meeting with client: [REDACTED]	0.20	\$225.00	\$45.00	
Service	01/20/2022	Attend meeting with client: Non-billable portion of attending meeting with Mr. Roe, [REDACTED]	0.30	\$0.00	\$0.00	

Service	01/20/2022	Review and analyze: [REDACTED] [REDACTED]	0.10	\$0.00	\$0.00
Service	01/20/2022	Review and analyze: Reviewed Plaintiff's Supplemental List of Witnesses, drafting to Defendant's List of Witnesses, call with Mr. Roe to obtain additional names, printed, signed, and efiled in preparation for attending the evidentiary hearing	0.70	\$225.00	\$157.50
Service	01/20/2022	Draft and revise: Drafting to Notice of Intent to Issue Subpoena Duces Tecum, drafting to Subpoena Duces Tecum, drafting to Certificate of Custodian of Records, obtained Exhibit A to be attached to Subpoena, research for the address for the Clark County School District, printed, signed, and scanned, and e-served on opposing counsel in preparation for attending the evidentiary hearing	0.60	\$225.00	\$135.00
				Total	\$1,289.55

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
567	09/30/2021	\$1,573.05	\$0.00	\$1,573.05
568	12/31/2021	\$1,127.00	\$0.00	\$1,127.00

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due	
569	01/31/2022	\$1,289.55	\$0.00	\$1,289.55	
				Outstanding Balance	\$3,989.60
				Total Amount Outstanding	\$3,989.60

Please make all amounts payable to: Page Law Firm

Payment is due upon receipt.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

INVOICE

Invoice # 570
Date: 02/28/2022
Due Upon Receipt

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

Type	Date	Notes	Quantity	Rate	Total
Service	02/04/2022	Review and analyze: Reviewed and analyzed Maggie's responses to the Requests for Production of Documents and the Interrogatories, reviewed her 6th Supplement to NRCP 16.2 production, saved to file, and forwarded to Mr. Roe for his review.	0.10	\$225.00	\$22.50
Service	02/04/2022	Review and analyze: Reviewed voluminous 5th Supplement to NRCP 16.2 production from Maggie, saved to file and forwarded to Mr. Roe	0.10	\$225.00	\$22.50
Service	02/06/2022	Draft and revise: Reviewed Mr. Roe's Answers to Interrogatories, editing to those Answers, contacted Mr. Roe for additional information and emailed to Mr. Roe for his signature on the Declaration page for his return	1.10	\$225.00	\$247.50
Service	02/06/2022	Draft and revise: Draft and revise to proposed Responses to Requests for Production of Documents, emailed to Mr. Roe for his review	0.80	\$225.00	\$180.00
Service	02/07/2022	Plan and prepare for hearing: Served Defendant's Answers to Plaintiff's First Set of Interrogatories to opposing counsel	0.25	\$95.00	\$23.75
Service	02/08/2022	Review and analyze: Reviewed Maggie's 7th Supplement to Production of Witnesses and Documents, reviewed the bank statements produced, she gets a lot of messages, reviewed her Supplemental response to the Request for Production of Documents, forwarded all to Mr. Roe for his review.	0.10	\$225.00	\$22.50
Service	02/08/2022	Draft and revise: Reviewed Wells Fargo Bank statements and Venmo statements from Mr. Roe, downloaded to forward to staff to redact and bates label	0.10	\$225.00	\$22.50
Service	02/08/2022	Draft and revise: Reviewed, edited, printed, signed and	0.10	\$225.00	\$22.50

		forwarded to process server the subpoena duces tecum for Maggie to the Clark County School District			
Expense	02/08/2022	Service of process for subpoena duces tecum: Service of process fee for subpoena duces tecum to the Clark County School District	1.00	\$55.00	\$55.00
Service	02/09/2022	Draft and revise: redact docs	1.00	\$95.00	\$95.00
Service	02/10/2022	Review and analyze: Reviewed Maggie's Objections to Ms. Blich and Sunshine Collins being called as witnesses, claimed that Dr. Collins had not provided an expert report or a curriculum vitae when she is a treating expert, forwarded the Objection to Mr. Roe for his review and records	0.10	\$225.00	\$22.50
Service	02/11/2022	Review and analyze: Reviewed bank statements for 2021 from Wells Fargo from Mr. Roe, saved to the file in preparation for producing as part of discovery responses	0.10	\$225.00	\$22.50
Service	02/13/2022	Draft and revise: Draft and revise to Response to Maggie's Objection to Witnesses, emailed to Mr. Roe for his review	0.90	\$225.00	\$202.50
Service	02/14/2022	Filing: Scan and file Defendant's Response to Plaintiff's Objection to List of Witnesses with Court	0.15	\$95.00	\$14.25
Expense	02/14/2022	E-filing fee: Defendant's Response to Plaintiff's Objection to List of Witnesses	1.00	\$3.50	\$3.50
Expense	02/15/2022	Service of process for subpoena duces tecum: Service of process on subpoena duces tecum to the Clark County School District	1.00	\$120.00	\$120.00
Service	02/17/2022	organize the exhibit s prepare 16. 2	2.00	\$95.00	\$190.00
Service	02/18/2022	Draft and revise: prepare the books and send exhibits to court	2.50	\$95.00	\$237.50
Service	02/19/2022	Review and analyze: Reviewed return from Clark County School District, scanned in and forwarded to Mr. Roe for his review	0.30	\$225.00	\$67.50
Service	02/19/2022	Draft and revise: Draft and revise to Pre-Trial Memorandum in preparation for attending trial	0.90	\$225.00	\$202.50
Service	02/20/2022	Draft and revise: Continued drafting to Pre-Trial Memorandum, continued drafting to factual background and continued drafting to section regarding the best interest factors for Hunter in preparation for filing the same	1.20	\$225.00	\$270.00
Service	02/20/2022	Draft and revise: Continued drafting and revising to Pre-Trial Memorandum and phone call with Mr. Roe	1.50	\$225.00	\$337.50

		of exhibits in preparation for attending trial			
Service	02/21/2022	Draft and revise: Reviewed, edited, printed, signed, scanned and efiled Pre-Trial Memorandum in preparation for attending the calendar call	0.20	\$225.00	\$45.00
Expense	02/21/2022	E-filing fee: E-filing fee for the Pre-Trial Memorandum	1.00	\$3.50	\$3.50
Service	02/21/2022	Draft and revise: Reviewed Hunter's grades, summary of Maggie's expenses, and summary of bills that Maggie refuses to pay, and drafting to Second Supplement Pursuant to NRCP 16.2 and e-served on opposing counsel	0.40	\$225.00	\$90.00
Service	02/21/2022	Plan and prepare for trial: Preparing Exhibit Book for trial, exhibits A-N	0.90	\$225.00	\$202.50
Service	02/21/2022	Draft and revise: organize and print new exhibits	0.50	\$95.00	\$47.50
Service	02/22/2022	Review and analyze: Review and bates labeling of the documents from the Clark County School District from the subpoena in preparation for producing to opposing counsel	0.10	\$225.00	\$22.50
Service	02/22/2022	Attend hearing: Prepped for and attended calendar call	0.50	\$225.00	\$112.50
Service	02/22/2022	Telephone call: Telephone call with Mr. Roe [REDACTED]	0.10	\$225.00	\$22.50
Service	02/25/2022	Draft and revise: organize and re send all docs to opposing counsel and court	2.50	\$95.00	\$237.50
				Total	\$3,187.50

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
567	09/30/2021	\$1,573.05	\$0.00	\$1,573.05
568	12/31/2021	\$1,127.00	\$0.00	\$1,127.00
569	01/31/2022	\$1,289.55	\$0.00	\$1,289.55

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
570	02/28/2022	\$3,187.50	\$0.00	\$3,187.50

Invoice # 570 - 02/28/2022

Outstanding Balance	\$7,177.10
Total Amount Outstanding	\$7,177.10

Please make all amounts payable to: Page Law Firm

Payment is due upon receipt.

Page Law Firm

6930 South Cimarron, Suite 140
Las Vegas, Nevada 89113

Jason Roe
5521 Eagle Claw Avenue
Las Vegas, NV 89130
Las Vegas, Nevada 89130

00067-Roe

Maggie Cox fka Cox v. Jason Roe D-11-450074-D

INVOICE

Invoice # 571
Date: 03/31/2022
Due Upon Receipt

Type	Date	Notes	Quantity	Rate	Total
Service	03/03/2022	Draft and revise: Deliver the trial books to opposing counsel	1.50	\$95.00	\$142.50
Service	03/08/2022	Draft and revise: Draft and revise to trial subpoena and forwarded to Bullet Legal expedited service, called Bullet Legal and had conversation regarding expedited service, responded to email from Bullet Legal regarding service	0.30	\$225.00	\$67.50
Service	03/08/2022	Telephone call: Telephone call with Guardian Ad Litem regarding her appearance	0.30	\$225.00	\$67.50
Service	03/08/2022	Telephone call with client: Telephone call with Mr. Roe, [REDACTED]	0.10	\$225.00	\$22.50
Service	03/09/2022	Filing: Scan and file clients Financial Disclosure Form with Court	0.15	\$95.00	\$14.25
Expense	03/09/2022	E-filing fee: E-file Defendant's Financial Disclosure Form	1.00	\$3.50	\$3.50
Service	03/09/2022	Review and analyze: Reviewed Mr. Roe's FDF, forwarded to staff for filing (non-billable)	0.10	\$0.00	\$0.00
Service	03/09/2022	Telephone call: Telephone call from court regarding the status of the FDF (non-billable)	0.10	\$0.00	\$0.00
Service	03/09/2022	Telephone call: Telephone call with Dr. Collins regarding her testifying, made arrangements for her to testify on Friday morning at 8a, emailed the Bluejeans link to her	0.20	\$225.00	\$45.00
Service	03/09/2022	Draft and revise: Began drafting to the Findings of Fact, Conclusions of Law, and Order	0.20	\$225.00	\$45.00
Service	03/09/2022	Draft and revise: Continued drafting to proposed Findings of Fact, Conclusions of Law and Orders	1.60	\$225.00	\$360.00

Service	03/09/2022	Draft and revise: Continued drafting to the proposed Findings of Fact, Conclusions of Law, and Order	0.20	\$225.00	\$45.00
Service	03/09/2022	Plan and prepare for trial: Attended meeting with Mr. and Ms. Roe [REDACTED]	1.10	\$225.00	\$247.50
Service	03/09/2022	Plan and prepare for trial: Planned and prepared for trial, reviewed Dr. Collins' progress report, drafting trial questions to ask her at trial, further drafting to the proposed Findings of Fact, Conclusions of Law, and Orders and emailed to the judge's JEA	0.30	\$225.00	\$67.50
Service	03/10/2022	Attend trial: Attended morning session of trial	3.00	\$225.00	\$675.00
Service	03/10/2022	Attend trial: Attended afternoon session of trial	3.30	\$225.00	\$742.50
Service	03/10/2022	Travel: Travel to and from Court (non-billable)	1.00	\$0.00	\$0.00
Expense	03/10/2022	Parking: Parking at Court	1.00	\$20.00	\$20.00
Service	03/11/2022	Attend trial: Attended morning session of trial	3.00	\$225.00	\$675.00
Service	03/11/2022	Plan and prepare for trial: Planned and prepared for afternoon session of trial and drafting to closing argument over lunch (no charge)	1.00	\$0.00	\$0.00
Service	03/11/2022	Attend trial: Attended afternoon session of trial 1:30p to 5:45p	4.20	\$225.00	\$945.00
Service	03/11/2022	Travel: Travel to and from court (non-billable)	1.00	\$0.00	\$0.00
Expense	03/11/2022	Service of Trial Subpoena: Expedited service of trial subpoena on Sunshine Collins	1.00	\$110.00	\$110.00
Expense	03/11/2022	Expert Appearance Fee: Expert Appearance Fee for Dr. Sunshine Collins, paid via credit card	1.00	\$700.00	\$700.00
Expense	03/11/2022	Parking: Parking for day 2 of trial	1.00	\$24.00	\$24.00
Service	03/14/2022	Draft and revise: Reviewed email from Ms. Price regarding how the trial went provided an update	0.10	\$225.00	\$22.50
Service	03/16/2022	calendar next hearing	0.20	\$95.00	\$19.00
Expense	03/17/2022	Transcripts: Transcript cost for Dr. Collins	1.00	\$30.60	\$30.60
Service	03/18/2022	Draft and revise: Reviewed OFW message from Maggie to Mr. Roe, Maggie is still refusing to pay the correct amount of child support, drafted and sent letter to opposing counsel attached the OFW message from Maggie, advising that Maggie needs to pay the correct amount of child support now	0.20	\$225.00	\$45.00
Service	03/18/2022	Draft and revise: Draft and revise to proposed settlement letter, received Mr. Roe's approval and e-served on opposing counsel	0.20	\$225.00	\$45.00
Service	03/27/2022	Draft and revise: Draft and revise to Order from March	0.20	\$225.00	\$45.00

		11, 2022, hearing in preparation for submitting to the court			
Service	03/30/2022	Plan and prepare for trial: Planned and prepared for trial, reviewed the transcripts from Shelly Cooley and Dr. Collins, drafting to closing argument	2.10	\$225.00	\$472.50
Service	03/31/2022	Attend trial: Attended morning session of trial 9a-11p	2.00	\$225.00	\$450.00
Service	03/31/2022	Attend trial: Attended afternoon session of trial and debrief with Mr. Roe 12:40p to 5:15p	4.50	\$225.00	\$1,012.50
Expense	03/31/2022	Parking: Parking for day at trial	1.00	\$24.00	\$24.00
				Total	\$7,185.35

Detailed Statement of Account

Other Invoices

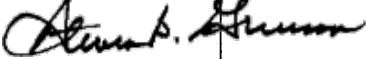
Invoice Number	Due On	Amount Due	Payments Received	Balance Due
567	09/30/2021	\$1,573.05	\$0.00	\$1,573.05
568	12/31/2021	\$1,127.00	\$0.00	\$1,127.00
569	01/31/2022	\$1,289.55	\$0.00	\$1,289.55
570	02/28/2022	\$3,187.50	\$0.00	\$3,187.50

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
571	03/31/2022	\$7,185.35	\$0.00	\$7,185.35
			Outstanding Balance	\$14,362.45
			Total Amount Outstanding	\$14,362.45

Please make all amounts payable to: Page Law Firm

Payment is due upon receipt.



1 **NEOJ**
2 FRED PAGE, ESQ.
3 NEVADA BAR NO. 6080
4 PAGE LAW FIRM
5 6930 SOUTH CIMARRON ROAD, SUITE 140
6 LAS VEGAS, NEVADA 89113
7 (702) 823-2888 office
8 (702) 628-9884 fax
9 Email: fpage@pagelawoffices.com
10 *Attorney for Defendant/Counterclaimant*

6 **EIGHTH JUDICIAL DISTRICT COURT**
7 **COUNTY OF CLARK**
8 **STATE OF NEVADA**

9 MAGGIE J. ROE nka MAGGIE COX, } Case No.: D-11-450074-D
10 Plaintiff/Counterclaimant, } Dept.: U
11 vs. }
12 }
13 JASON J. ROE, }
14 Defendant/Counterdefendant }

15 **NOTICE OF ENTRY OF ORDER**

17 TO: MAGGIE J. ROE nka MAGGIE COX, Plaintiff/Counterclaimant

18 TO: MELVIN GRIMES, ESQ., Attorney for Plaintiff/Counterclaimant

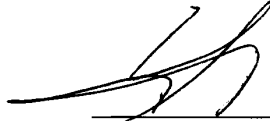
19
20 YOU AND EACH OF YOU please take notice that on the 11^h day of
21 April 2022, the Order from the March 11th, 2022 hearing was duly entered, a

22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 true and correct copy of which is attached hereto.

2 DATED this 14 day of April 2022

3 PAGE LAW FIRM

4 

5 FRED PAGE, ESQ.

6 Nevada Bar No. 6080

7 6930 South Cimarron Road, Suite 140

8 Las Vegas, Nevada 89113

9 (702) 823-2888

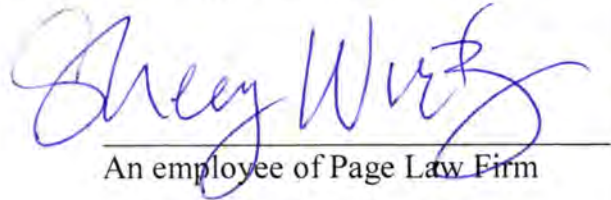
10 *Attorney for Defendant/Counterdefendant*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of April 2022, the foregoing NOTICE OF ENTRY OF ORDER was served pursuant to NEFCR 9 via e-service to Melvin Grimes, Esq., attorney for Plaintiff/Counterclaimant.


An employee of Page Law Firm

Electronically Filed
04/07/2022 3:58 PM
Amanda Lewis
CLERK OF THE COURT

ORDER
1 FRED PAGE, ESQ.
2 NEVADA BAR NO. 6080
3 PAGE LAW FIRM
4 6930 SOUTH CIMARRON ROAD, SUITE 140
5 LAS VEGAS, NEVADA 89113
6 (702) 823-2888 office
7 (702) 628-9884 fax
8 Email: fpage@pagelawoffices.com
9 Attorney for Defendant/Counterclaimant

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

9	MAGGIE J. ROE nka MAGGIE COX,	}	Case No.: D-11-450074-D
10	Plaintiff/Counterclaimant,		Dept. U
11	vs.	}	Hearing Date: March 11, ²⁰²² 2021
12	JASON J. ROE,		Hearing Time: 9:00 a.m.
13	Defendant/Counterdefendant.		

ORDER FROM MARCH 11, ²⁰²²~~2021~~, HEARING

17 The evidentiary hearing regarding custody came on for hearing in front of
18 the Hon. Dawn Thorne on the above referenced date and time.
19
20 Defendant/Counterclaimant, JASON ROE, was present and was represented by
21 and through his counsel, Fred Page, Esq. Plaintiff/Counterdefendant, MAGGIE
22 ROE nka MAGGIE COX, was present and was represented by through her
23 counsel, Melvin Grimes, Esq. The Court having reviewed the papers and
24 pleadings on file, and having entertained oral argument hereby makes the
25 following findings and enters the following orders.
26
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28

1 noncustodial parent or other parent having joint custody refuses to give that
2 consent, the parent planning the move shall, before he leaves the state with the
3 child, petition the court for permission to move the child. The failure of a parent to
4 comply with the provisions of this section may be considered as a factor if a
5 change of custody is requested by the noncustodial parent or other parent having
6 joint custody;" as well as NRS 125C.045(6) which provides:
7
8

9 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
10 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION
11 OF THIS ORDER IS PUNISHABLE, AS A CATEGORY D
12 FELONY, BY UP TO 6 YEARS IN PRISON AS PROVIDED IN
13 NRS 193.130. NRS 200.359 provides that every person having a
14 limited right of custody to a child or any parent having no right of
15 custody to the child who willfully detains, conceals or removes the
16 child from the parent, guardian or other person having lawful custody
17 or a right of visitation of the child in violation of an order of this
18 court, or removes the child from the jurisdiction of the court without
19 the consent of either the court or all persons who have the right to
20 custody or visitation is subject to being punished by imprisonment in
21 the state prison for not less than 1 year nor more than 6 years, or by a
22 fine of not less than \$1,000 nor more than \$5,000, or by both fine and
23 imprisonment.

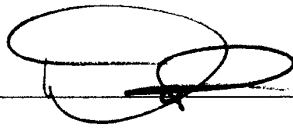
24 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.045, the terms
25 of the Hague Convention of October 25, 1980, adopted by the 14th Session of the
26 Hague Conference on Private International Law are applicable to the parties.
27 Nevada is hereby declared the State, and the United States of America is hereby
28 declared the country, of habitual residence of the child for the purposes of applying
 the terms of the Hague Convention as set forth above.

1 graduates from high school or reaches 19 years of age, whichever comes first
2 (NAC 425.160 (1)).

3 **NOTICE IS HEREBY GIVEN** to both parties that the parent having the
4 child support obligation is subject to NRS 125.450 and NRS 31A.020 through
5 31A.230, inclusive, regarding the immediate withholding or assignment of wages-
6 commissions or bonuses for payment of child support, whether current or
7 delinquent.
8

9 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, either
10 party may request that the Court review the child support obligation every three
11 years or upon changed circumstances.
12
13

14 Dated this 7th day of April, 2022

15 
16 _____
17 *sa*

18 **A6B DDB 46D8 F97E**
19 Dawn R. Throne
20 Approved as to form and content:
21 District Court Judge
22 ROBERTS STOFFEL FAMILY
23 LAW GROUP

24 Respectfully submitted:
25 PAGE LAW FIRM
26
27 Fred Page
28 FRED PAGE, ESQ.
Nevada Bar No. 6080
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
(702) 823-2888
Attorney for
Defendant/Counterclaimant

signature not obtained

MELVIN GRIMES, ESQ.
Nevada Bar No. 12972
4411 South Pecos Road
Las Vegas, Nevada 89121
(702) 474-7007
Attorney for
Plaintiff/Counterdefendant

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Maggie Cox, Plaintiff

CASE NO: D-11-450074-D

7 vs.

DEPT. NO. Department U

8 Jason J Roe, Defendant.

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/7/2022

15 "Fred Page, Esq." .

fpage@pagelawoffices.com

16 Roberts Stoffel Family Law Group .

efile@lvfamilylaw.com

17 Corinne Price

Corinne@FCPfamilylaw.com

18 Val Stashuk

Accounting@FCPfamilylaw.com

19 File Clerk

fileclerk@fcpfamilylaw.com

20 Maggie Cox

maggiejcoxedu@gmail.com

21 Peggy O'Malley

peggyomalley@portolainn.com

22 Kim Servis

LegalAssistant@FCPfamilylaw.com

23 Bryanna Fox

Reception@fcpfamilylaw.com

24 Admin Admin

Admin@pagelawoffices.com

25
26 Melvin Grimes

efile@lvfamilylaw.com

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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 4/8/2022

Claudia Schwarts 1820 E Warm Springs RD STE 125
Las Vegas, NV, 89119

Fred Page 6930 South Cimmaron Road Suite 140
Las Vegas, NV, 89113

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 28, 2022

D-11-450074-D Maggie Cox, Plaintiff
 vs.
 Jason J Roe, Defendant.

April 28, 2022 8:00 AM Minute Order

HEARD BY: Throne, Dawn R.

COURTROOM: Chambers

COURT CLERK: Jefferyann Rouse

PARTIES:

Claudia Schwarts, Special Master/Parenting
Coordinator, not present
Corinne Price, Special Master/Parenting
Coordinator, not present
Hunter Roe, Subject Minor, not present
Jason Roe, Defendant, Counter Claimant, not present Fred Page, Attorney, not present
present
Keisha Weiford, Special Master/Parenting
Coordinator, not present
Maggie Cox, Plaintiff, Counter Defendant, not present Melvin Grimes, Attorney, not present
present

JOURNAL ENTRIES

- MINUTE ORDER
Cox v. Roe D-11-450074-D

NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding.

PRINT DATE:	04/28/2022	Page 1 of 4	Minutes Date:	April 28, 2022
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

ROA001900

This matter came on for an Evidentiary Hearing on March 10, March 11 and March 31, 2022 on both parties requests for primary physical custody. At the Evidentiary Hearing, the Court awarded Defendant primary physical custody of the parties minor child. The Court found that Defendant is entitled to an award of attorney s fees and costs from Plaintiff pursuant to NRS 18.010 and NRS 125C.250.

The Court ordered Defendant to file a memorandum of fees and costs by April 11, 2022 and ordered Plaintiff to file any opposition, if any, to Defendant s memorandum of fees by April 22, 2022. Defendant filed a Brunzell Affidavit and Memorandum of Fees and Costs on April 11, 2022 and Plaintiff did not file an opposition. Plaintiff filed a general Financial Disclosure Form (FDF) on March 8, 2022 and Defendant filed an FDF on March 9, 2022. At the Evidentiary Hearing, the Court found that Plaintiff s Gross Monthly Income (GMI) is \$5,768.50 and Defendant s GMI is \$2,515.33.

The Court FINDS that when awarding attorney s fees in a family law case, the Court must first determine that an applicable rule or statute authorizes the award of attorney s fees and costs. In this case, the award of attorney s fees and costs to Defendant is warranted pursuant to NRS 18.010 and NRS 125C.250. Defendant was the prevailing party at the Evidentiary Hearing because the Court awarded him primary physical custody and Plaintiff should be responsible for a reasonable amount of his attorney s fees. At the Evidentiary Hearing, the Court informed both parties that it would only consider attorney s fees incurred since Defendant filed his Emergency Motion on March 17, 2021 because Judge Henderson did not previously award any attorney s fees for the original 2020 motion and counter motion.

Next, when awarding fees, the Court must consider the Brunzell factors AND must consider the disparity in the parties income pursuant to Wright v. Osburn, 114 Nev. 1367, 970 P.3d 1071 (1998). See also, Miller v. Wilfong, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005).

With regard to the Brunzell factors, the Court FINDS as follows:

1. Qualities of the Advocate: Counsel is very experienced in domestic relations litigation and is a certified Family Law Specialist. The rate counsel charged Defendant in this case is significantly below the rates charged by family law attorneys in Clark County, Nevada with his level of experience and expertise.
2. Character of the Work to Be Done: In this case, the work to be done involved custody of the parties minor child. This is a very high conflict case that has been litigated by the parties for years.
3. Work Actually Performed by the Attorney: The work completed by counsel in this case included

PRINT DATE:	04/28/2022	Page 2 of 4	Minutes Date:	April 28, 2022
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filing a number of Motions for Defendant, preparing multiple FDFs, representing Defendant at hearings and preparing the Orders after hearings, conducting written discovery, preparing Defendant's pre-trial memorandum, preparing for and representing Defendant at the March 10, March 11 and March 31, 2022 Evidentiary Hearing, preparing a memorandum of fees and costs and preparing the Findings of Fact, Conclusions of Law and Order.

4. Result obtained: Counsel was able to successfully assist Defendant in being awarded primary physical custody of the parties' minor child.

With regard to the disparity in the income of the parties and how it impacts the award of attorney's fees and costs to Defendant, Plaintiff earns more than twice Defendant's earnings, but Defendant also has a spouse who works and brings an income into the household. Therefore, the Court considers the parties' household incomes to be relatively equal. Additionally, Plaintiff is required to pay Defendant child support for their son and has another minor child to support jointly with her other ex-husband. Most importantly, the parties' minor child needs to attend reunification counseling with Plaintiff in order to restore them to a healthy parent-child relationship. Plaintiff's payment of child support to Defendant and payment for the reunification counseling are more important financial obligations than reimbursing Defendant for the attorney's fees and costs he has incurred in this case. As such, the Court is awarding Defendant less than what his reasonable attorney's fees and costs are and more than what Plaintiff will ever believe she should be obligated to pay Plaintiff.

BASED UPON THE ABOVE FINDINGS, IT IS HEREBY ORDERED that Plaintiff, Maggie Cox, is ordered to pay Defendant, Jason Roe, the amount of \$11,365.71 for attorney's fees and costs. Said award is reduced to judgement against Plaintiff and shall accrue interest at the legal interest rate from April 27, 2022, until paid in full. Said judgment shall be collectible by all lawful means.

A copy of this minute order shall be provided to both parties. Counsel for Defendant is ordered to prepare the Findings of Fact, Conclusions of Law and Order (FFCL) and incorporate the findings and orders from this Minute Order into the FFCL.

SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	04/28/2022	Page 3 of 4	Minutes Date:	April 28, 2022
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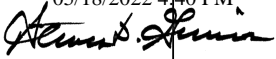
Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

ROA001902

PRINT DATE:	04/28/2022	Page 4 of 4	Minutes Date:	April 28, 2022
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

ROA001903


CLERK OF THE COURT

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

MAGGIE J. ROE nka MAGGIE COX,

Plaintiff/Counterclaimant,

vs.

JASON J. ROE,

Defendant/Counterdefendant.

Case No.: D-11-450074-D

Dept. U

**Hearing Dates: March 10, 11, and 31,
2022**

Hearing Time: 9:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The evidentiary hearing on Defendant, JASON ROE's, Countermotion to Change Custody and Plaintiff, MAGGIE COX's, Motion to Change Custody came on for hearing on the above referenced dates and times in front of the Hon. Dawn Throne. The Court having entertained testimony and having reviewed the Exhibits admitted into evidence, hereby makes the following Findings of Fact, Conclusions of Law, and enters the following orders.

FINDINGS OF FACT

1. This case involves a long, tortured history of high conflict and extensive custody litigation between these parents since 2011. The Court incorporates by reference only the lengthy procedural history of this case from commencement in July 2011 through the end of July 2020. For many years, the

1 parents shared joint physical custody of their son, Hunter Roe, born November 9,
2 2009 (now age 12).

3 2. The current round of litigation between the parents started with
4 Plaintiff filing a new Motion to Modify Custody, etc on July 27, 2020. The main
5 issue raised in her motion was that Hunter was becoming more disrespectful to her
6 and acting out against her and his younger sister. She claimed that Defendant was
7 responsible for Hunter’s behavior towards her and requested relief such as
8 counseling for Hunter and a Brief Focused Assessment, in addition to her having
9 primary physical custody of Hunter. Defendant responded with a Countermotion
10 to change custody, for a review of child support since his income had decreased
11 since the last child support order and related relief.
12

13 3. A hearing on Plaintiff’s Motion and Defendant’s Countermotion
14 occurred on August 27, 2020. The prior Judge granted part of the relief requested
15 by Plaintiff, specifically ordering that Hunter would attend counseling with a
16 counselor mutually selected by the parents and that the parties would participate in
17 a Brief Focused Assessment (“BFA”) with Maureen Zelensky, MFT. A Mutual
18 Behavior Order was put in place. The Court additionally opened discovery and
19 ordered the parties to exchange tax returns so that child support could be reviewed.
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1 4. By the time the BFA was complete, the case had been reassigned to a
2 new judge as a result of the addition of new Family Division judges. A return
3 hearing regarding the BFA was conducted on February 25, 2021. The BFA noted
4 concerns with both parents – specifically, issues with Plaintiff’s mental health and
5 behavior that needed to be addressed by her with professional services and actions
6 by Defendant that were not supportive of the relationship between Plaintiff and
7 Hunter. The Court noted many concerns regarding the long-term parental conflict,
8 the effects of that long-term conflict on Hunter and the serious lack of ability of
9 both parents to effectively communicate and co-parent for the benefit of their son.
10 The Court was sad to learn that the parties’ 11 year old son was forced to have two
11 different cell phones, one in each parent’s home, due to the lack of ability of the
12 parties to co-parent. At that point, the Court did not see that either parent had
13 made a *prima facie* case to proceed with an evidentiary hearing on their respective
14 requests to change custody¹. The Court adopted the recommendations of Ms.
15 Zelensky as orders and set a status check in 60 days to check on the progress the
16 parties had made on those recommendations.
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26 ¹ The Court did set an evidentiary hearing regarding the disputed issue of where Hunter would attend middle school
27 at that hearing, but the parties resolved that issue by stipulation.
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1 5. Unfortunately, events occurred between Plaintiff and Hunter in
2 March 2021 that required immediate intervention and that rendered it unsafe for
3 Hunter to continue to reside every other week with Plaintiff until some
4 professional help could be accessed. The Court found it dangerous to all residents
5 of Plaintiff's household to have the police called to the home twice in a span of 8
6 days due to physical altercations between Plaintiff and Hunter that resulted in
7 Hunter being taken out of Plaintiff's home and to juvenile detention twice at 11
8 years old. When the Court granted Defendant temporary custody of Hunter and
9 ordered professional services to help Plaintiff and Hunter improve their
10 relationship that the order would be just that – *temporary*. The Court authorized
11 Plaintiff to engage the services of a reunification counselor but did not specify a
12 provider in the hope that she would be able to find someone covered by her
13 insurance to keep the cost of the services low. The Court also appointed a
14 Guardian ad Litem for Hunter and a Parenting Coordinator to help the parents with
15 their various co-parenting issues. The Court held several hearings before coming
16 to the realization that the reunification counseling between Hunter and Plaintiff
17 was going to take a lot longer than anticipated and that Defendant was entitled to
18 have the Court conduct an evidentiary hearing on his request to make the change of
19 custody permanent, not just temporary. The Court had hoped that reunification
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1 therapy would have worked and that this evidentiary hearing would not have been
2 necessary.

3 6. The Court has personal jurisdiction over the parties.
4

5 7. Nevada remains the home state of the minor child as the minor child
6 as both parties and the minor child have continuously resided in the State of
7 Nevada for greater than six months prior to the filing of the Complaint in this
8 action. This Court has continuing exclusive jurisdiction over the minor child
9 pursuant to the UCCJEA as adopted in the Nevada Revised Statutes. This Court has
10 continuing exclusive jurisdiction over all matters relating to Hunter's custody, care
11 and support.
12
13

14 8. Defendant ("Jason") has two children by a prior marriage, Taylor
15 John Roe, born April 9, 2002, (age 19) and Tori Ann Roe, born March 27, 2005
16 (age 17). Maggie has one child born from a subsequent marriage, Danika Cox.
17
18

19 9. The Complaint for Divorce was filed by Maggie on July 28, 2011.
20 After years of litigation, the Decree of Divorce was finally filed on February 6,
21 2013.
22

23 10. In the Decree of Divorce, the parties were awarded joint physical and
24 joint legal custody.
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1 11. The most recent custodial Order is the Order from November 21,
2 2017, in which the parties agreed to joint legal and joint physical custody with a
3 week on/week off schedule.
4

5 12. Both parents have made requests for primary physical custody. Under
6 *Romano v. Romano*, 138 Nev Adv. Op. 1 (Jan. 13, 2022), a court may modify a
7 joint or primary physical custody arrangement only if (1) there has been a
8 substantial change in circumstances affecting the welfare of the child and (2) the
9 modification serves the best interest of the child.
10

11 13. The parties have shown the following material changes since
12 November 2017:
13

- 14 a. A severe deterioration in Hunter and Maggie’s relationship; and
- 15 b. Hunter’s age and wishes.
16

17 14. With regard to Hunter’s best interest, the Court applies NRS
18 125C.0035(4)(a)-(k) as follows:
19

- 20 a. **The wishes of the child if the child is of sufficient age and capacity**
21 **to form an intelligent preference as to his or her physical custody**
22

23 Both the Guardian ad Litem, Shelly Booth Cooley (“GAL”), and Dr. Collins
24 testified that Hunter is of a sufficient age and maturity that his wishes should be
25 given weight. Hunter has stated a very strong preference to reside primarily with
26 Jason. Unfortunately, Hunter’s relationship with Maggie has deteriorated to the
27

1 point that they cannot even have a one-on-one afternoon visit without a serious
2 problem. Maggie needs to do substantial personal work with her own counselor
3 and substantial work with Dr. Collins in order for her relationship with Hunter to
4 improve. Hunter is of a sufficient age and capacity to form an intelligent
5 preference as to his custody. This factor favors Jason.
6

7
8 **b. Any nomination of a guardian for the child by a parent**

9 Not applicable.

10
11 **c. Which parent is more likely to allow frequent associations and a**
12 **continuing relationship with the noncustodial parent**

13 Given the total history of this case, it is hard to tell who has been supportive
14 of the other parent and who can be supportive of the other parent in the future.
15 Since November 2017, neither parent has shown that they believe that the other
16 parent has something worthwhile to offer Hunter. Both parents have done and said
17 things over the years that are detrimental to the other parent's relationship with
18 Hunter. Based upon Ms. Zelensky's BFA, this factor slightly favors Maggie.
19
20

21 Jason has done things that have not been supportive of Hunter's relationship
22 with Maggie. However, as Dr. Collins testified and Hunter's statements to his
23 GAL show, the claims of parental alienation/pathogenic parenting by Jason is **not**
24 the main reason for the problems in Maggie's relationship with Hunter. Hunter
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1 still says positive things about Maggie, about his childhood and what kind of
2 mother she is and can be.

3 Hunter is upset about things that have happened, but deep down he still
4 wants to have a relationship with Maggie. Hunter is hurt, but so is Maggie, and
5 Maggie has hurt herself by how long this has gone on. Dr. Collins will be able to
6 address anything that Jason might say or do that is not supportive of Hunter's
7 relationship with Maggie, once Maggie gets ready for productive co-joint sessions
8 with Hunter. This Court can also issue Orders to Enforce for Jason if necessary.
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12 **d. The level of conflict between the parents**

13 This factor does not favor either party. The case has been a very high
14 conflict case for a very long time. There is a high level of distrust between the
15 parents. Both parents automatically assume a negative intent in everything the
16 other parent does or says. Jason made the situation worse sometimes with his
17 failure to timely and directly communicate urgent issues with Maggie, such as
18 when Hunter has been seriously injured in his custody. Instead of communicating
19 these urgent matters directly with her, he chose to send messages through Our
20 Family Wizard ("OFW"). He knows she refuses to regularly check the messages
21 on OFW. Maggie also makes the level of conflict worse by her histrionic
22 behaviors, often in the presence of Hunter, and by things such as her inability to
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1 give Hunter one of his sincere wishes – to be able to have all of the people he
2 loves² peacefully attend events for him such as soccer. It is stressful and sad to
3 Hunter that his mother and his step-mother cannot both be present for his important
4 life events without drama and the primary person responsible for that drama is
5 Maggie.
6

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

10 This factor does not favor either parent. There is zero ability of these parties
11 to work together to meet the needs of their son. Maggie wishes that Jason would
12 not communicate with her and sometimes Jason wishes he would not have to
13 communicate with Maggie.
14

15 Jason understands that he could respond better. Jason does not provide as
16 much detail as he could. Maggie is not good at communicating with Jason either.
17 The parties can be required to share information, but the Court cannot compel them
18 to cooperate. Maggie accuses Jason of “abusing her” when he does communicate
19 with her through OFW, but this is what the Court has ordered both parents to do.
20 So Jason is damned by Maggie if he does communicate with her in the manner
21 ordered by the Court and he is damned by Maggie if he does not. He cannot win.
22
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24

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26 _____
27 ² Which, for him, includes his step-mother, who has been a part of his life since he was very young, and his older
28 siblings who have also had issues with Maggie..

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

2 Jason is physically and mentally healthy. Maggie appears physically
3 healthy. Both parties have no physical problems that inhibit their ability to parent
4 Hunter. The Court has serious concerns about Maggie’s emotional and mental
5 stability. Maggie’s behavior in this case; her behavior with Hunter is not
6 appropriate. Maggie has testified that she has been in counseling for many years,
7 but the counseling has not helped Maggie with her dysfunctional interactions with
8 Jason and Hunter.
9

10 The behavior of Maggie at Ms. Zelensky’s office, the behavior of Maggie in
11 her last meeting with Dr. Collins, and Maggie’s behavior in court during this trial,
12 all indicate that she is still highly emotionally dysregulated, even though she has
13 been in counseling with her current counselor for over a year now. There is no
14 improvement in Maggie’s insight as to her contributions to the problems in her
15 relationship with Hunter. This factor favors Jason.
16

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

18 The Court partially thinks factor is neutral between the parents. The Court
19 also partially thinks this factor favors Jason. Hunter needs stability and a healthy
20 relationship with both parents. One of the things that Hunter wants is for his
21 parents, including his step-mother, to get along well enough that they could all
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1 attend soccer games and cheer him on. It is unfortunate that Maggie has not yet
2 done the things she needs to do in order to improve her relationship with Hunter.
3 Maggie needs to listen to Hunter and to the professionals involved. Maggie and
4 Hunter's relationship is so bad right now that it is not safe for them to be together
5 without professional help.
6

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

9 At this point, Jason has a better relationship with Hunter. Maggie's
10 relationship with Hunter should have progressed by now, but Maggie has not been
11 willing to do the work to get there. Maggie was given reduction in her child
12 support in order to allow her to afford to attend reunification therapy with Hunter.
13 Maggie has failed to follow the recommendation from Dr. Collins that she
14 participates in weekly therapy. Had Maggie followed the Court's orders for
15 weekly sessions, by November-December, Maggie should have been starting joint
16 sessions with Hunter. Maggie fights with everybody instead of listening to things
17 she could improve upon. Hunter has done some work, including continued
18 counselling with Ms. Miller, anger classes required at Harbor, and sessions with
19 Dr. Collins. This factor favors Jason.
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1 **i. Ability of the child to maintain a relationship with any sibling**

2 This factor is neutral. Hunter has siblings in both homes with whom he
3 should be able to have a relationship. The Court cannot force Hunter to have a
4 relationship with Danika with the level of distrust between the parties. The Court
5 is concerned about Maggie's statements that Hunter is angry at Danika or is
6 jealous of Danika and whether it is safe for Danika as well.
7
8

9 **j. Any history of parental abuse or neglect of the child or a sibling of**
10 **the child**

11 This factor is also neutral. There is no evidence that any of the allegations
12 rise to the level of abuse or neglect of Hunter. There is a dysfunctional
13 relationship between Maggie and Hunter, but it does not rise to the legal level of
14 abuse or neglect.
15
16

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

20 This factor is also neutral. There is nothing that has occurred from
21 November 2017 to the present that rises to the level of domestic violence by either
22 parent by clear and convincing evidence.
23

24 **l. Whether either parent or any other person seeking physical**
25 **custody has committed any act of abduction against the child or**
26 **any other child**

27 The factor does not apply in this case.
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15. Based on the best interest factors above, the parties should have joint legal custody. The Court has concerns about the power struggles between the parties over the past 10 years. Neither party should be in a position of power and control over the other. There are also concerns about their ability to cooperate and co-parent. Maggie should have her own Infinite Campus account to be able to monitor Hunter's schooling. The parties should discuss and agree on what school Hunter is going to attend when the time comes for him to attend high school.

16. Jason should have primary physical custody. Maggie's visitation shall continue as what was set out in the March 11, 2022 Order.

17. Maggie should continue being responsible for the costs of reunification counseling with Dr. Collins. To do anything different as it relates to visitation would be setting Maggie and Hunter up for failure and would possibly be a danger to Maggie and Hunter, and possibly innocent third parties. The Court hopes that Maggie will listen to Dr. Collins, make therapy a priority, and have weekly sessions so that we can get Maggie and Hunter back to a healthy relationship and regular visitation as soon as possible.

18. Once regular visitation is resumed, Department R's holiday visitation schedule will apply.

1 19. The parties will continue using Our Family Wizard. The Parenting
2 Coordinator and GAL shall be relieved of their duties with the deepest thanks of
3 the Court.
4

5 20. Maggie can send cards, gifts, and texts to Hunter, but she must be
6 careful not to further damage her relationship with him and to consider Dr. Collins
7 advice on how to best proceed.
8

9 21. Maggie owes Jason child support arrears in the amount of \$1,358
10 from October 1, 2021, through March 31, 2022.
11

12 22. As to ongoing child support, Maggie's gross monthly income is
13 \$5,768.50. The Court finds that Jason's gross monthly income is \$2,515.33.
14 Maggie's base child support obligation per NAC 425.140 is \$923 per month.
15

16 23. In regards to adjustment factors as set out in NAC 425.150, Maggie is
17 providing health insurance through her employer and Alexandra is providing
18 health insurance through her employer so Hunter is double covered and the Court
19 is not going to make any adjustments to child support based upon that double
20 coverage.
21
22

23 24. In regards to other adjustment factors as set out in NAC 425.150,
24 Maggie has to support another child. Even though Maggie is receiving child
25 support for that child, there should be a downward adjustment of \$100 per month.
26
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28

1 25. Based upon Maggie's testimony regarding the costs of Dr. Collins
2 services and given that Hunter needs that reunification counseling to get back to a
3 healthy relationship with Maggie and based upon Hunter's needs there should be a
4 downward adjustment so long as Maggie is doing the reunification therapy with
5 Dr. Collins of \$400 per month. If Maggie is not attending sessions with Dr.
6 Collins at least twice per month, this adjustment should be eliminated.
7
8

9 26. Based upon the downward adjustments, the total monthly child
10 support from Maggie to Jason should be \$423 per month commencing April 1,
11 2022. The payments toward the arrears shall be \$27 per month, making the total
12 monthly child support payment \$450 per month.
13
14

15 27. Jason requested that the Court require Maggie to reimburse him for
16 one-half of the amount he has paid for Hunter's extra-curricular expenses and
17 school related expenses. However, the Court finds that this was not ordered by the
18 Court and it is not appropriate for Maggie to share in these expenses that she did
19 not agree to prior to the expenses being incurred and based on her being obligated
20 to pay Jason child support based upon him having primary custody of Hunter.
21 Maggie does owe Jason \$486.17 for one-half of unreimbursed medical expenses as
22 set forth in Exhibit N. Jason owes Maggie for one-half of the counseling co-pays
23 for Hunter with Sandy Miller, but it will only be for the receipts she has posted on
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1 Our Family Wizard as of 11:59 p.m. March 31, 2022. There will be an offset of
2 one against the other. The total of the therapy sessions with Sandy Miller for
3 Hunter posted to Our Family Wizard as of 11:59 p.m. March 31, 2022, was
4 \$487.50. One-half of that amount is \$243.75. The difference is \$242.42, which
5 Maggie owes Jason and which will be reduced to judgment and will accrue interest
6 at the legal rate.
7
8

9 28. Jason is entitled to an award of attorney's fees and costs pursuant to
10 NRS 18.010, and NRS 125C.250. The Court will only consider fees related to the
11 March 2021 emergency motion through to the present. The Court will need a
12 *Brunzell* Memorandum from Jason by April 11, 2022. Any response to the
13 *Brunzell* Memorandum from Jason may be filed by Maggie by April 22, 2022.
14
15

16 29. Defendant filed a *Brunzell* Affidavit and Memorandum of Fees and
17 Costs on April 11, 2022 and Plaintiff did not file an opposition. Plaintiff filed a
18 general Financial Disclosure Form (FDF) on March 8, 2022 and Defendant filed an
19 FDF on March 9, 2022. At the Evidentiary Hearing, the Court found that Plaintiff's
20 Gross Monthly Income (GMI) is \$5,768.50 and Defendant's GMI is \$2,515.33.
21
22

23 30. When awarding attorney's fees in a family law case, the Court must
24 first determine that an applicable rule or statute authorizes the award of attorney's
25 fees and costs. In this case, the award of attorney's fees and costs to Defendant is
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27
28

1 warranted pursuant to NRS 18.010 and NRS 125C.250. Defendant was the
2 prevailing party at the Evidentiary Hearing because the Court awarded him
3 primary physical custody and Plaintiff should be responsible for a reasonable
4 amount of his attorney's fees. At the Evidentiary Hearing, the Court informed both
5 parties that it would only consider attorney's fees incurred since Defendant filed
6 his Emergency Motion on March 17, 2021 because Judge Henderson did not
7 previously award any attorney's fees for the original 2020 motion and
8 countermotion.
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12 31. Next, when awarding fees, the Court must consider the *Brunzell*
13 factors AND must consider the disparity in the parties' income pursuant to *Wright*
14 *v. Osburn*, 114 Nev. 1367, 970 P.3d 1071 (1998). *See also, Miller v. Wilfong*, 121
15 Nev. 619, 622, 119 P.3d 727, 729 (2005).
16

17 32. With regard to the *Brunzell* factors, the Court FINDS as follows:
18

- 19 a. *Qualities of the Advocate*: Counsel is very experienced in domestic
20 relations litigation and is a certified Family Law Specialist. The rate
21 counsel charged Defendant in this case is significantly below the rates
22 charged by family law attorneys in Clark County, Nevada with his
23 level of experience and expertise.
- 24 b. *Character of the Work to Be Done*: In this case, the work to be done
25 involved custody of the parties' minor child. This is a very high
26 conflict case that has been litigated by the parties for years.
- 27 c. *Work Actually Performed by the Attorney*: The work completed by
28 counsel in this case included filing a number of Motions for
Defendant, preparing multiple FDFs, representing Defendant at
hearings and preparing the Orders after hearings, conducting written

1 discovery, preparing Defendant’s pre-trial memorandum, preparing
2 for and representing Defendant at the March 10, March 11 and March
3 31, 2022 Evidentiary Hearing, preparing a memorandum of fees and
4 costs and preparing the Findings of Fact, Conclusions of Law and
5 Order.

- 6 d. *Result obtained:* Counsel was able to successfully assist Defendant in
7 being awarded primary physical custody of the parties’ minor child.

8 33. With regard to the disparity in the income of the parties and how it
9 impacts the award of attorney’s fees and costs to Defendant, Plaintiff earns more
10 than twice Defendant’s earnings, but Defendant also has a spouse who works and
11 brings an income into the household. Therefore, the Court considers the parties’
12 household incomes to be relatively equal. Additionally, Plaintiff is required to pay
13 Defendant child support for their son and has another minor child to support jointly
14 with her other ex-husband. Most importantly, the parties’ minor child needs to
15 attend reunification counseling with Plaintiff in order to restore them to a healthy
16 parent-child relationship. Plaintiff’s payment of child support to Defendant and
17 payment for the reunification counseling are more important financial obligations
18 than reimbursing Defendant for the attorney’s fees and costs he has incurred in this
19 case. As such, the Court is awarding Defendant less than what his reasonable
20 attorney’s fees and costs are and more than what Plaintiff will ever believe she
21 should be obligated to pay Plaintiff.

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34. Jason should receive the tax dependency exemption for Hunter each year commencing the 2022 tax year.

35. Any unreimbursed medical expenses for Hunter should be equally divided pursuant to the 30/30 Rule. The parties should continue to use OFW to post their requests for reimbursement for unreimbursed medical expenses for Hunter.

36. Should any of these Findings of Fact be more properly construed as Conclusions of Law, they should be construed as such.

CONCLUSIONS OF LAW

1. Under NRS 125C.0035(3)(a), if a court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application.

2. Under *Romano v. Romano*, 138 Nev Adv. Op. 1 (Jan. 13, 2022), a court may modify a joint or primary physical custody arrangement only if (1) there has been a substantial change in circumstances affecting the welfare of the child and (2) the modification serves the best interest of the child.

...
...

1 3. NRS 125C.0035 states in pertinent part,

2 The court shall award custody in the following order of preference
3 unless in a particular case the best interest of the child requires
4 otherwise:

5 (a) . . . If the court does not enter an order awarding joint custody
6 of a child after either parent has applied for joint custody, the
7 court shall state in its decision the reason for its denial of the
8 parent's application.

9 4. If the Court does not enter an order for joint physical custody, then the
10 Court must find that one of the factors in NRS 125C.0035(4) is applicable. Those
11 factors are:

- 12
- 13 a. The wishes of the child if the child is of sufficient age and capacity to
14 form an intelligent preference as to his or her physical custody
 - 15 b. Any nomination of a guardian for the child by a parent
 - 16
 - 17 c. Which parent is more likely to allow frequent associations and a
18 continuing relationship with the noncustodial parent
 - 19 d. The level of conflict between the parents
 - 20
 - 21 e. The ability of the parents to cooperate to meet the needs of the child
 - 22
 - 23 f. The mental and physical health of the parents
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 - 25 g. The physical, developmental and emotional needs of the children
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 - 27 h. The nature of the relationship of the child with each parent
 - 28 i. The ability of the child to maintain a relationship with any sibling

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

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

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

5. Child support should be ordered pursuant to NAC 425.

6. Any health insurance premiums should be equally divided pursuant to NRS 125B.145.

7. The Court has the authority to award fees under *Brunzell v. Golden Gate National Bank* 85 Nev. 345, 455 P.2d 31 (1969) as well as NRS 18.010 (prevailing party), and EDCR 7.60 (vexatiously increasing the costs of litigation).

8. Should any of these Conclusions of Law be more properly construed as Findings of Fact, they should be construed as such.

ORDERS

IT IS HEREBY ORDERED that Defendant, Jason Roe, is hereby awarded primary physical custody of the parties' minor child, Hunter Roe. Plaintiff, Maggie Cox's visitation shall continue as what was set out in the March 11, 2022, Order. It is the intent of the Court that Maggie's visitation with Hunter be expanded as

1 soon as Dr. Collins determines that Hunter and Maggie are ready to do so. Dr.
2 Collins has provided in her reports to the Court a general outline of how
3 reunification services with her proceed from one step to the next. Maggie and
4 Jason are hereby ordered to comply with Dr. Collins' recommendations for how
5 reunification services between Maggie and Hunter shall proceed. Jason shall make
6 Hunter available for all sessions Dr. Collins requests with him and shall encourage
7 Hunter to work on his relationship with his mother in good faith.

10 **IT IS FURTHER ORDERED** that the parties shall continue sharing joint
11 legal custody of Hunter. The parties shall continue utilizing the definition of joint
12 legal custody set out in their Decree of Divorce.

15 **IT IS FURTHER ORDERED** that as Maggie's gross monthly income is
16 \$5,768.50. That puts Maggie's base child support per NAC 425.140 at \$923 per
17 month. Maggie shall receive a downward deviation under NAC 425.150(1)(b), the
18 legal responsibility for the support of others of \$100 per month. Maggie shall also
19 receive a downward deviation pursuant to NAC 425.150(g) for any other necessary
20 expenses for the benefit of the child in the amount of \$400 per month so long as
21 Maggie participating in the reunification therapy with Dr. Collins. Based upon the
22 downward adjustments, Maggie shall pay child support of \$423 per month
23 commencing April 1, 2022. The payments toward the arrears shall be \$27 per
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1 month, making the total monthly child support payment \$450 per month
2 commencing April 1, 2022.

3 **IT IS FURTHER ORDERED** that the net constructive child support
4 arrears are \$4,157 as of April 1, 2022. The constructive child support arrears shall
5 accrue interest at the legal rate.
6

7 **IT IS FURTHER ORDERED** that Maggie shall continue reunification
8 therapy with Dr. Sunshine Collins and shall continue being solely responsible for
9 the costs of reunification counseling.
10

11 **IT IS FURTHER ORDERED** that if Maggie is not attending sessions with
12 Dr. Collins at least twice per month, the downward adjustment she has received
13 from her child support obligation for Hunter shall be terminated.
14

15 **IT IS FURTHER ORDERED** that once a regular visitation is resumed,
16 Department R's standard holiday schedule will apply.
17

18 **IT IS FURTHER ORDERED** that the parties will continue using Our
19 Family Wizard. All communication is to be polite, respectful, business-like
20 regarding child issues only, without swearing, criticizing, disparaging the other
21 parent, or telling the other parent how to parent. If an emergency arises regarding
22 the minor children, Parties may contact the other Parent directly.
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1 **IT IS FURTHER ORDERED** that the terms of the Mutual Behavior Order
2 contained in the Order entered on September 28, 2020 shall remain in effect and is
3 incorporated herein by reference.
4

5 **IT IS FURTHER ORDERED** that the parenting coordinator and guardian
6 ad litem are hereby relieved of their duties with the gratitude of the Court.
7

8 **IT IS FURTHER ORDERED** that both parties shall continue to provide
9 health insurance for Hunter so long as it is available at a reasonable cost through
10 their own employer or the employer of a spouse.
11

12 **IT IS FURTHER ORDERED** that any unreimbursed medical, dental,
13 optical, orthodontic or other health related expense incurred for the benefit of the
14 minor child is to be divided equally between the parties. Either party incurring an
15 out-of-pocket medical expense for the child shall provide a copy of the paid
16 invoice/receipt to the other party within thirty days of incurring such expense, if
17 not tendered within the thirty-day period, the Court may consider it as a waiver of
18 reimbursement. The other party will then have thirty days from receipt within
19 which to dispute the expense in writing or reimburse the incurring party for one-
20 half of the out-of-pocket expense, if not disputed or paid within the thirty-day
21 period, the party may be subject to a finding of contempt and appropriate
22 sanctions.
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1 **IT IS FURTHER ORDERED** that Defendant shall receive the tax
2 dependency exemption for Hunter commencing with the 2022 tax year and each
3 year thereafter.
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5 **IT IS FURTHER ORDERED** that Maggie owes Jason \$486.17 for one-
6 half of unreimbursed medical expenses as set forth in Exhibit N. Jason owes
7 Maggie for one-half of the counseling for Hunter with Sandy Miller, but it will
8 only be for the receipts she has posted on Our Family Wizard as of 11:59 p.m.
9 March 31, 2022. There will be an offset of one against the other. The total of the
10 therapy sessions with Sandy Miller for Hunter posted to Our Family Wizard as of
11 11:59 p.m. March 31, 2022, was \$487.50. One-half of that amount is \$243.75.
12 The difference is \$242.42, which Maggie owes Jason and which will be reduced to
13 judgment and will accrue interest at the legal rate and shall be made collectible by
14 any and all legal means.
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19 **IT IS HEREBY ORDERED** that Defendant's request for attorney's fees is
20 granted. Plaintiff, Maggie Cox, is ordered to pay attorney's fees and costs in the
21 amount of \$11,365.71. Said award is reduced to judgment against Plaintiff and
22 shall accrue interest at the legal interest rate from April 27, 2022, until paid in full.
23 Said judgment shall be collectible by all lawful means.
24
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1 **CHILD SUPPORT NOTICES**

2 **NOTICE IS HEREBY GIVEN** that the parties are put on notice of NAC
3
4 425.170, which states as follows:

5 Modification or adjustment of child support obligation must be based on
6
7 change in circumstances. (NRS 425.620).

8 1. Except as otherwise authorized by law or this chapter, after a court
9
10 has established a child support obligation, any subsequent modification or
11
12 adjustment of the child support obligation must be based upon a change in
13
14 circumstances.

15 2. The receipt of public assistance by a child or an obligee constitutes a
16
17 change in circumstances that will allow the review and, if appropriate,
18
19 modification of the child support obligation in accordance with the child support
20
21 guidelines in effect at the time of the review

22 3. The adoption of or any revision to this chapter must not, in and of
23
24 itself, be considered a change in circumstances sufficient to justify the
25
26 modification of any existing order or money judgment.

27 **NOTICE IS HEREBY GIVEN** that parents are obligated to support the
28
minor child and payments shall continue until such time as the minor child reaches
the age of 18 years of age or, if the child is still in high school, when the child

1 graduates from high school or reaches 19 years of age, whichever comes first
2 (NAC 425.160 (1)).

3 **NOTICE IS HEREBY GIVEN** to both parties that the parent having the
4 child support obligation is subject to NRS 125.450 and NRS 31A.020 through
5 31A.230, inclusive, regarding the immediate withholding or assignment of wages-
6 commissions or bonuses for payment of child support, whether current or
7 delinquent.
8
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10 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, either
11 party may request that the Court review the child support obligation every three
12 years or upon changed circumstances.
13

14 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.140 if an
15 installment of an obligation to pay support for a child becomes delinquent, the
16 Court shall determine interest upon the arrearages at a rate established pursuant
17 NRS 99.040, from the time each amount became due. Interest shall continue
18 accrue on the amount ordered until it is paid, and additional attorney's fees must be
19 allowed if required for collection.
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23 **CHILD CUSTODY NOTICES**

24 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions
25 of NRS 125C.065 (1) and NRS 200.359, which provide: "If custody has been
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1 established and the custodial parent or a parent having joint custody intends to
2 move his residence to a place outside of this state and to take the child with him, he
3 must, as soon as possible and before the planned move, attempt to obtain the
4 written consent of the other parent to move the child from the state. If the
5 noncustodial parent or other parent having joint custody refuses to give that
6 consent, the parent planning the move shall, before he leaves the state with the
7 child, petition the court for permission to move the child. The failure of a parent to
8 comply with the provisions of this section may be considered as a factor if a
9 change of custody is requested by the noncustodial parent or other parent having
10 joint custody;” as well as NRS 125C.045(6) which provides:
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15 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
16 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION
17 OF THIS ORDER IS PUNISHABLE, AS A CATEGORY D
18 FELONY, BY UP TO 6 YEARS IN PRISON AS PROVIDED IN
19 NRS 193.130. NRS 200.359 provides that every person having a
20 limited right of custody to a child or any parent having no right of
21 custody to the child who willfully detains, conceals or removes the
22 child from the parent, guardian or other person having lawful custody
23 or a right of visitation of the child in violation of an order of this
24 court, or removes the child. .from the jurisdiction of the court without
25 the consent of either the court or all persons who have the right to
26 custody or visitation is subject to being punished by imprisonment in
27 the state prison for not less than 1 year nor more than 6 years, or by a
28 fine of not less than \$1,000 nor more than \$5,000, or by both fine and
imprisonment.

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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 Findings of Fact, Conclusions of Law and Judgment 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: 5/18/2022

- "Fred Page, Esq." . fpage@pagelawoffices.com
- Roberts Stoffel Family Law Group . efile@lvfamilylaw.com
- Admin Admin Admin@pagelawoffices.com
- Melvin Grimes efile@lvfamilylaw.com
- Maggie Cox maggiejcoxedu@gmail.com
- Peggy O'Malley peggyomalley@portolainn.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 5/19/2022

Claudia Schwarts	1820 E Warm Springs RD STE 125 Las Vegas, NV, 89119
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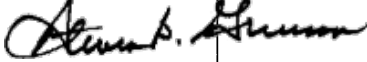
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Corinne Price

8965 S Pecos RD STE 9
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10 *Attorney for Defendant/Counterclaimant*

6 **EIGHTH JUDICIAL DISTRICT COURT**
7 **COUNTY OF CLARK**
8 **STATE OF NEVADA**

9 MAGGIE J. ROE nka MAGGIE COX, } Case No.: D-11-450074-D
10 Plaintiff/Counterclaimant, } Dept.: U
11 vs. }
12 }
13 JASON J. ROE, }
14 Defendant/Counterdefendant }

15
16 **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW**
17 **AND ORDER FROM THE EVIDENTIARY HEARINGS ON**
18 **MARCH 10, 11, AND 31, 2022**

19 TO: MAGGIE J. ROE nka MAGGIE COX, Plaintiff/Counterclaimant
20 TO: MELVIN GRIMES, ESQ., Attorney for Plaintiff/Counterclaimant

21 YOU AND EACH OF YOU please take notice that on the 18^h day of
22
23 May 2022, the Order from the March 10th, March 11th and, March 31st 2022 hearing

24 ///
25 ///
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1 was duly entered, a true and correct copy of which is attached hereto.

2 DATED this 18th day of May 2022

3 PAGE LAW FIRM

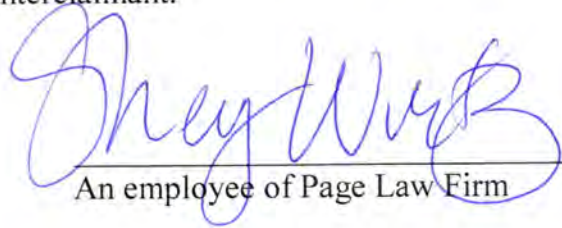
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of May 2022, the foregoing NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER was served pursuant to NEFCR 9 via e-service to Melvin Grimes, Esq., attorney for Plaintiff/Counterclaimant.


An employee of Page Law Firm

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

MAGGIE J. ROE nka MAGGIE COX,

Plaintiff/Counterclaimant,

vs.

JASON J. ROE,

Defendant/Counterdefendant.

Case No.: D-11-450074-D

Dept. U

**Hearing Dates: March 10, 11, and 31,
2022**

Hearing Time: 9:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The evidentiary hearing on Defendant, JASON ROE's, Countermotion to Change Custody and Plaintiff, MAGGIE COX's, Motion to Change Custody came on for hearing on the above referenced dates and times in front of the Hon. Dawn Throne. The Court having entertained testimony and having reviewed the Exhibits admitted into evidence, hereby makes the following Findings of Fact, Conclusions of Law, and enters the following orders.

FINDINGS OF FACT

1. This case involves a long, tortured history of high conflict and extensive custody litigation between these parents since 2011. The Court incorporates by reference only the lengthy procedural history of this case from commencement in July 2011 through the end of July 2020. For many years, the

1 parents shared joint physical custody of their son, Hunter Roe, born November 9,
2 2009 (now age 12).

3 2. The current round of litigation between the parents started with
4 Plaintiff filing a new Motion to Modify Custody, etc on July 27, 2020. The main
5 issue raised in her motion was that Hunter was becoming more disrespectful to her
6 and acting out against her and his younger sister. She claimed that Defendant was
7 responsible for Hunter's behavior towards her and requested relief such as
8 counseling for Hunter and a Brief Focused Assessment, in addition to her having
9 primary physical custody of Hunter. Defendant responded with a Countermotion
10 to change custody, for a review of child support since his income had decreased
11 since the last child support order and related relief.
12

13 3. A hearing on Plaintiff's Motion and Defendant's Countermotion
14 occurred on August 27, 2020. The prior Judge granted part of the relief requested
15 by Plaintiff, specifically ordering that Hunter would attend counseling with a
16 counselor mutually selected by the parents and that the parties would participate in
17 a Brief Focused Assessment ("BFA") with Maureen Zelensky, MFT. A Mutual
18 Behavior Order was put in place. The Court additionally opened discovery and
19 ordered the parties to exchange tax returns so that child support could be reviewed.
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1 4. By the time the BFA was complete, the case had been reassigned to a
2 new judge as a result of the addition of new Family Division judges. A return
3 hearing regarding the BFA was conducted on February 25, 2021. The BFA noted
4 concerns with both parents – specifically, issues with Plaintiff’s mental health and
5 behavior that needed to be addressed by her with professional services and actions
6 by Defendant that were not supportive of the relationship between Plaintiff and
7 Hunter. The Court noted many concerns regarding the long-term parental conflict,
8 the effects of that long-term conflict on Hunter and the serious lack of ability of
9 both parents to effectively communicate and co-parent for the benefit of their son.
10 The Court was sad to learn that the parties’ 11 year old son was forced to have two
11 different cell phones, one in each parent’s home, due to the lack of ability of the
12 parties to co-parent. At that point, the Court did not see that either parent had
13 made a *prima facie* case to proceed with an evidentiary hearing on their respective
14 requests to change custody¹. The Court adopted the recommendations of Ms.
15 Zelensky as orders and set a status check in 60 days to check on the progress the
16 parties had made on those recommendations.
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26 ¹ The Court did set an evidentiary hearing regarding the disputed issue of where Hunter would attend middle school
27 at that hearing, but the parties resolved that issue by stipulation.
28

1 5. Unfortunately, events occurred between Plaintiff and Hunter in
2 March 2021 that required immediate intervention and that rendered it unsafe for
3 Hunter to continue to reside every other week with Plaintiff until some
4 professional help could be accessed. The Court found it dangerous to all residents
5 of Plaintiff's household to have the police called to the home twice in a span of 8
6 days due to physical altercations between Plaintiff and Hunter that resulted in
7 Hunter being taken out of Plaintiff's home and to juvenile detention twice at 11
8 years old. When the Court granted Defendant temporary custody of Hunter and
9 ordered professional services to help Plaintiff and Hunter improve their
10 relationship that the order would be just that – *temporary*. The Court authorized
11 Plaintiff to engage the services of a reunification counselor but did not specify a
12 provider in the hope that she would be able to find someone covered by her
13 insurance to keep the cost of the services low. The Court also appointed a
14 Guardian ad Litem for Hunter and a Parenting Coordinator to help the parents with
15 their various co-parenting issues. The Court held several hearings before coming
16 to the realization that the reunification counseling between Hunter and Plaintiff
17 was going to take a lot longer than anticipated and that Defendant was entitled to
18 have the Court conduct an evidentiary hearing on his request to make the change of
19 custody permanent, not just temporary. The Court had hoped that reunification
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1 therapy would have worked and that this evidentiary hearing would not have been
2 necessary.

3 6. The Court has personal jurisdiction over the parties.

4
5 7. Nevada remains the home state of the minor child as the minor child
6 as both parties and the minor child have continuously resided in the State of
7 Nevada for greater than six months prior to the filing of the Complaint in this
8 action. This Court has continuing exclusive jurisdiction over the minor child
9 pursuant to the UCCJEA as adopted in the Nevada Revised Statutes. This Court has
10 continuing exclusive jurisdiction over all matters relating to Hunter's custody, care
11 and support.
12

13
14
15 8. Defendant ("Jason") has two children by a prior marriage, Taylor
16 John Roe, born April 9, 2002, (age 19) and Tori Ann Roe, born March 27, 2005
17 (age 17). Maggie has one child born from a subsequent marriage, Danika Cox.
18

19 9. The Complaint for Divorce was filed by Maggie on July 28, 2011.
20 After years of litigation, the Decree of Divorce was finally filed on February 6,
21 2013.
22

23 10. In the Decree of Divorce, the parties were awarded joint physical and
24 joint legal custody.
25

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28

1 11. The most recent custodial Order is the Order from November 21,
2 2017, in which the parties agreed to joint legal and joint physical custody with a
3 week on/week off schedule.
4

5 12. Both parents have made requests for primary physical custody. Under
6 *Romano v. Romano*, 138 Nev Adv. Op. 1 (Jan. 13, 2022), a court may modify a
7 joint or primary physical custody arrangement only if (1) there has been a
8 substantial change in circumstances affecting the welfare of the child and (2) the
9 modification serves the best interest of the child.
10
11

12 13. The parties have shown the following material changes since
13 November 2017:
14

- 15 a. A severe deterioration in Hunter and Maggie's relationship; and
- 16 b. Hunter's age and wishes.

17 14. With regard to Hunter's best interest, the Court applies NRS
18 125C.0035(4)(a)-(k) as follows:
19

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

22 Both the Guardian ad Litem, Shelly Booth Cooley ("GAL"), and Dr. Collins
23 testified that Hunter is of a sufficient age and maturity that his wishes should be
24 given weight. Hunter has stated a very strong preference to reside primarily with
25 Jason. Unfortunately, Hunter's relationship with Maggie has deteriorated to the
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1 point that they cannot even have a one-on-one afternoon visit without a serious
2 problem. Maggie needs to do substantial personal work with her own counselor
3 and substantial work with Dr. Collins in order for her relationship with Hunter to
4 improve. Hunter is of a sufficient age and capacity to form an intelligent
5 preference as to his custody. This factor favors Jason.
6

7
8 **b. Any nomination of a guardian for the child by a parent**

9 Not applicable.

10
11 **c. Which parent is more likely to allow frequent associations and a**
12 **continuing relationship with the noncustodial parent**

13 Given the total history of this case, it is hard to tell who has been supportive
14 of the other parent and who can be supportive of the other parent in the future.
15 Since November 2017, neither parent has shown that they believe that the other
16 parent has something worthwhile to offer Hunter. Both parents have done and said
17 things over the years that are detrimental to the other parent's relationship with
18 Hunter. Based upon Ms. Zelensky's BFA, this factor slightly favors Maggie.
19
20

21 Jason has done things that have not been supportive of Hunter's relationship
22 with Maggie. However, as Dr. Collins testified and Hunter's statements to his
23 GAL show, the claims of parental alienation/pathogenic parenting by Jason is **not**
24 the main reason for the problems in Maggie's relationship with Hunter. Hunter
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1 still says positive things about Maggie, about his childhood and what kind of
2 mother she is and can be.

3 Hunter is upset about things that have happened, but deep down he still
4 wants to have a relationship with Maggie. Hunter is hurt, but so is Maggie, and
5 Maggie has hurt herself by how long this has gone on. Dr. Collins will be able to
6 address anything that Jason might say or do that is not supportive of Hunter's
7 relationship with Maggie, once Maggie gets ready for productive co-joint sessions
8 with Hunter. This Court can also issue Orders to Enforce for Jason if necessary.
9
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11

12 **d. The level of conflict between the parents**

13 This factor does not favor either party. The case has been a very high
14 conflict case for a very long time. There is a high level of distrust between the
15 parents. Both parents automatically assume a negative intent in everything the
16 other parent does or says. Jason made the situation worse sometimes with his
17 failure to timely and directly communicate urgent issues with Maggie, such as
18 when Hunter has been seriously injured in his custody. Instead of communicating
19 these urgent matters directly with her, he chose to send messages through Our
20 Family Wizard ("OFW"). He knows she refuses to regularly check the messages
21 on OFW. Maggie also makes the level of conflict worse by her histrionic
22 behaviors, often in the presence of Hunter, and by things such as her inability to
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1 give Hunter one of his sincere wishes – to be able to have all of the people he
2 loves² peacefully attend events for him such as soccer. It is stressful and sad to
3 Hunter that his mother and his step-mother cannot both be present for his important
4 life events without drama and the primary person responsible for that drama is
5 Maggie.
6

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

10 This factor does not favor either parent. There is zero ability of these parties
11 to work together to meet the needs of their son. Maggie wishes that Jason would
12 not communicate with her and sometimes Jason wishes he would not have to
13 communicate with Maggie.
14

15 Jason understands that he could respond better. Jason does not provide as
16 much detail as he could. Maggie is not good at communicating with Jason either.
17 The parties can be required to share information, but the Court cannot compel them
18 to cooperate. Maggie accuses Jason of “abusing her” when he does communicate
19 with her through OFW, but this is what the Court has ordered both parents to do.
20 So Jason is damned by Maggie if he does communicate with her in the manner
21 ordered by the Court and he is damned by Maggie if he does not. He cannot win.
22
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25
26 ² Which, for him, includes his step-mother, who has been a part of his life since he was very young, and his older
27 siblings who have also had issues with Maggie..
28

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

2 Jason is physically and mentally healthy. Maggie appears physically
3 healthy. Both parties have no physical problems that inhibit their ability to parent
4 Hunter. The Court has serious concerns about Maggie's emotional and mental
5 stability. Maggie's behavior in this case; her behavior with Hunter is not
6 appropriate. Maggie has testified that she has been in counseling for many years,
7 but the counseling has not helped Maggie with her dysfunctional interactions with
8 Jason and Hunter.
9
10

11
12 The behavior of Maggie at Ms. Zelensky's office, the behavior of Maggie in
13 her last meeting with Dr. Collins, and Maggie's behavior in court during this trial,
14 all indicate that she is still highly emotionally dysregulated, even though she has
15 been in counseling with her current counselor for over a year now. There is no
16 improvement in Maggie's insight as to her contributions to the problems in her
17 relationship with Hunter. This factor favors Jason.
18
19

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

21
22 The Court partially thinks factor is neutral between the parents. The Court
23 also partially thinks this factor favors Jason. Hunter needs stability and a healthy
24 relationship with both parents. One of the things that Hunter wants is for his
25 parents, including his step-mother, to get along well enough that they could all
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1 attend soccer games and cheer him on. It is unfortunate that Maggie has not yet
2 done the things she needs to do in order to improve her relationship with Hunter.
3 Maggie needs to listen to Hunter and to the professionals involved. Maggie and
4 Hunter's relationship is so bad right now that it is not safe for them to be together
5 without professional help.
6

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

9 At this point, Jason has a better relationship with Hunter. Maggie's
10 relationship with Hunter should have progressed by now, but Maggie has not been
11 willing to do the work to get there. Maggie was given reduction in her child
12 support in order to allow her to afford to attend reunification therapy with Hunter.
13 Maggie has failed to follow the recommendation from Dr. Collins that she
14 participates in weekly therapy. Had Maggie followed the Court's orders for
15 weekly sessions, by November-December, Maggie should have been starting joint
16 sessions with Hunter. Maggie fights with everybody instead of listening to things
17 she could improve upon. Hunter has done some work, including continued
18 counselling with Ms. Miller, anger classes required at Harbor, and sessions with
19 Dr. Collins. This factor favors Jason.
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1 **i. Ability of the child to maintain a relationship with any sibling**

2 This factor is neutral. Hunter has siblings in both homes with whom he
3 should be able to have a relationship. The Court cannot force Hunter to have a
4 relationship with Danika with the level of distrust between the parties. The Court
5 is concerned about Maggie's statements that Hunter is angry at Danika or is
6 jealous of Danika and whether it is safe for Danika as well.
7

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

11 This factor is also neutral. There is no evidence that any of the allegations
12 rise to the level of abuse or neglect of Hunter. There is a dysfunctional
13 relationship between Maggie and Hunter, but it does not rise to the legal level of
14 abuse or neglect.
15

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

20 This factor is also neutral. There is nothing that has occurred from
21 November 2017 to the present that rises to the level of domestic violence by either
22 parent by clear and convincing evidence.
23

24 **l. Whether either parent or any other person seeking physical**
25 **custody has committed any act of abduction against the child or**
26 **any other child**

27 The factor does not apply in this case.
28

1 15. Based on the best interest factors above, the parties should have joint
2 legal custody. The Court has concerns about the power struggles between the
3 parties over the past 10 years. Neither party should be in a position of power and
4 control over the other. There are also concerns about their ability to cooperate and
5 co-parent. Maggie should have her own Infinite Campus account to be able to
6 monitor Hunter's schooling. The parties should discuss and agree on what school
7 Hunter is going to attend when the time comes for him to attend high school.
8
9

10
11 16. Jason should have primary physical custody. Maggie's visitation shall
12 continue as what was set out in the March 11, 2022 Order.
13

14 17. Maggie should continue being responsible for the costs of
15 reunification counseling with Dr. Collins. To do anything different as it relates to
16 visitation would be setting Maggie and Hunter up for failure and would possibly be
17 a danger to Maggie and Hunter, and possibly innocent third parties. The Court
18 hopes that Maggie will listen to Dr. Collins, make therapy a priority, and have
19 weekly sessions so that we can get Maggie and Hunter back to a healthy
20 relationship and regular visitation as soon as possible.
21
22

23
24 18. Once regular visitation is resumed, Department R's holiday visitation
25 schedule will apply.
26
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1 19. The parties will continue using Our Family Wizard. The Parenting
2 Coordinator and GAL shall be relieved of their duties with the deepest thanks of
3 the Court.

4
5 20. Maggie can send cards, gifts, and texts to Hunter, but she must be
6 careful not to further damage her relationship with him and to consider Dr. Collins
7 advice on how to best proceed.

8
9 21. Maggie owes Jason child support arrears in the amount of \$1,358
10 from October 1, 2021, through March 31, 2022.

11
12 22. As to ongoing child support, Maggie's gross monthly income is
13 \$5,768.50. The Court finds that Jason's gross monthly income is \$2,515.33.
14 Maggie's base child support obligation per NAC 425.140 is \$923 per month.

15
16 23. In regards to adjustment factors as set out in NAC 425.150, Maggie is
17 providing health insurance through her employer and Alexandra is providing
18 health insurance through her employer so Hunter is double covered and the Court
19 is not going to make any adjustments to child support based upon that double
20 coverage.
21

22
23 24. In regards to other adjustment factors as set out in NAC 425.150,
24 Maggie has to support another child. Even though Maggie is receiving child
25 support for that child, there should be a downward adjustment of \$100 per month.
26
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28

1 25. Based upon Maggie's testimony regarding the costs of Dr. Collins
2 services and given that Hunter needs that reunification counseling to get back to a
3 healthy relationship with Maggie and based upon Hunter's needs there should be a
4 downward adjustment so long as Maggie is doing the reunification therapy with
5 Dr. Collins of \$400 per month. If Maggie is not attending sessions with Dr.
6 Collins at least twice per month, this adjustment should be eliminated.
7
8

9 26. Based upon the downward adjustments, the total monthly child
10 support from Maggie to Jason should be \$423 per month commencing April 1,
11 2022. The payments toward the arrears shall be \$27 per month, making the total
12 monthly child support payment \$450 per month.
13
14

15 27. Jason requested that the Court require Maggie to reimburse him for
16 one-half of the amount he has paid for Hunter's extra-curricular expenses and
17 school related expenses. However, the Court finds that this was not ordered by the
18 Court and it is not appropriate for Maggie to share in these expenses that she did
19 not agree to prior to the expenses being incurred and based on her being obligated
20 to pay Jason child support based upon him having primary custody of Hunter.
21
22 Maggie does owe Jason \$486.17 for one-half of unreimbursed medical expenses as
23 set forth in Exhibit N. Jason owes Maggie for one-half of the counseling co-pays
24 for Hunter with Sandy Miller, but it will only be for the receipts she has posted on
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1 Our Family Wizard as of 11:59 p.m. March 31, 2022. There will be an offset of
2 one against the other. The total of the therapy sessions with Sandy Miller for
3 Hunter posted to Our Family Wizard as of 11:59 p.m. March 31, 2022, was
4 \$487.50. One-half of that amount is \$243.75. The difference is \$242.42, which
5 Maggie owes Jason and which will be reduced to judgment and will accrue interest
6 at the legal rate.
7
8

9 28. Jason is entitled to an award of attorney's fees and costs pursuant to
10 NRS 18.010, and NRS 125C.250. The Court will only consider fees related to the
11 March 2021 emergency motion through to the present. The Court will need a
12 *Brunzell* Memorandum from Jason by April 11, 2022. Any response to the
13 *Brunzell* Memorandum from Jason may be filed by Maggie by April 22, 2022.
14
15

16 29. Defendant filed a *Brunzell* Affidavit and Memorandum of Fees and
17 Costs on April 11, 2022 and Plaintiff did not file an opposition. Plaintiff filed a
18 general Financial Disclosure Form (FDF) on March 8, 2022 and Defendant filed an
19 FDF on March 9, 2022. At the Evidentiary Hearing, the Court found that Plaintiff's
20 Gross Monthly Income (GMI) is \$5,768.50 and Defendant's GMI is \$2,515.33.
21
22

23 30. When awarding attorney's fees in a family law case, the Court must
24 first determine that an applicable rule or statute authorizes the award of attorney's
25 fees and costs. In this case, the award of attorney's fees and costs to Defendant is
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1 warranted pursuant to NRS 18.010 and NRS 125C.250. Defendant was the
2 prevailing party at the Evidentiary Hearing because the Court awarded him
3 primary physical custody and Plaintiff should be responsible for a reasonable
4 amount of his attorney's fees. At the Evidentiary Hearing, the Court informed both
5 parties that it would only consider attorney's fees incurred since Defendant filed
6 his Emergency Motion on March 17, 2021 because Judge Henderson did not
7 previously award any attorney's fees for the original 2020 motion and
8 countermotion.
9
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12 31. Next, when awarding fees, the Court must consider the *Brunzell*
13 factors AND must consider the disparity in the parties' income pursuant to *Wright*
14 *v. Osburn*, 114 Nev. 1367, 970 P.3d 1071 (1998). *See also, Miller v. Wilfong*, 121
15 Nev. 619, 622, 119 P.3d 727, 729 (2005).
16

17 32. With regard to the *Brunzell* factors, the Court FINDS as follows:
18

- 19 a. *Qualities of the Advocate*: Counsel is very experienced in domestic
20 relations litigation and is a certified Family Law Specialist. The rate
21 counsel charged Defendant in this case is significantly below the rates
22 charged by family law attorneys in Clark County, Nevada with his
23 level of experience and expertise.
- 24 b. *Character of the Work to Be Done*: In this case, the work to be done
25 involved custody of the parties' minor child. This is a very high
26 conflict case that has been litigated by the parties for years.
- 27 c. *Work Actually Performed by the Attorney*: The work completed by
28 counsel in this case included filing a number of Motions for
Defendant, preparing multiple FDFs, representing Defendant at
hearings and preparing the Orders after hearings, conducting written

1 discovery, preparing Defendant's pre-trial memorandum, preparing
2 for and representing Defendant at the March 10, March 11 and March
3 31, 2022 Evidentiary Hearing, preparing a memorandum of fees and
4 costs and preparing the Findings of Fact, Conclusions of Law and
5 Order.

- 6 d. *Result obtained:* Counsel was able to successfully assist Defendant in
7 being awarded primary physical custody of the parties' minor child.

8 33. With regard to the disparity in the income of the parties and how it
9 impacts the award of attorney's fees and costs to Defendant, Plaintiff earns more
10 than twice Defendant's earnings, but Defendant also has a spouse who works and
11 brings an income into the household. Therefore, the Court considers the parties'
12 household incomes to be relatively equal. Additionally, Plaintiff is required to pay
13 Defendant child support for their son and has another minor child to support jointly
14 with her other ex-husband. Most importantly, the parties' minor child needs to
15 attend reunification counseling with Plaintiff in order to restore them to a healthy
16 parent-child relationship. Plaintiff's payment of child support to Defendant and
17 payment for the reunification counseling are more important financial obligations
18 than reimbursing Defendant for the attorney's fees and costs he has incurred in this
19 case. As such, the Court is awarding Defendant less than what his reasonable
20 attorney's fees and costs are and more than what Plaintiff will ever believe she
21 should be obligated to pay Plaintiff.

22 ...

1 3. NRS 125C.0035 states in pertinent part,

2 The court shall award custody in the following order of preference
3 unless in a particular case the best interest of the child requires
4 otherwise:

5 (a) . . . If the court does not enter an order awarding joint custody
6 of a child after either parent has applied for joint custody, the
7 court shall state in its decision the reason for its denial of the
8 parent's application.

9 4. If the Court does not enter an order for joint physical custody, then the
10 Court must find that one of the factors in NRS 125C.0035(4) is applicable. Those
11 factors are:

- 12 a. The wishes of the child if the child is of sufficient age and capacity to
13 form an intelligent preference as to his or her physical custody
- 14 b. Any nomination of a guardian for the child by a parent
- 15 c. Which parent is more likely to allow frequent associations and a
16 continuing relationship with the noncustodial parent
- 17 d. The level of conflict between the parents
- 18 e. The ability of the parents to cooperate to meet the needs of the child
- 19 f. The mental and physical health of the parents
- 20 g. The physical, developmental and emotional needs of the children
- 21 h. The nature of the relationship of the child with each parent
- 22 i. The ability of the child to maintain a relationship with any sibling
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j. Any history of parental abuse or neglect of the child or a sibling of the child

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

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

5. Child support should be ordered pursuant to NAC 425.

6. Any health insurance premiums should be equally divided pursuant to NRS 125B.145.

7. The Court has the authority to award fees under *Brunzell v. Golden Gate National Bank* 85 Nev. 345, 455 P.2d 31 (1969) as well as NRS 18.010 (prevailing party), and EDCR 7.60 (vexatiously increasing the costs of litigation).

8. Should any of these Conclusions of Law be more properly construed as Findings of Fact, they should be construed as such.

ORDERS

IT IS HEREBY ORDERED that Defendant, Jason Roe, is hereby awarded primary physical custody of the parties' minor child, Hunter Roe. Plaintiff, Maggie Cox's visitation shall continue as what was set out in the March 11, 2022, Order.

It is the intent of the Court that Maggie's visitation with Hunter be expanded as

1 soon as Dr. Collins determines that Hunter and Maggie are ready to do so. Dr.
2 Collins has provided in her reports to the Court a general outline of how
3 reunification services with her proceed from one step to the next. Maggie and
4 Jason are hereby ordered to comply with Dr. Collins' recommendations for how
5 reunification services between Maggie and Hunter shall proceed. Jason shall make
6 Hunter available for all sessions Dr. Collins requests with him and shall encourage
7 Hunter to work on his relationship with his mother in good faith.
8
9

10 **IT IS FURTHER ORDERED** that the parties shall continue sharing joint
11 legal custody of Hunter. The parties shall continue utilizing the definition of joint
12 legal custody set out in their Decree of Divorce.
13
14

15 **IT IS FURTHER ORDERED** that as Maggie's gross monthly income is
16 \$5,768.50. That puts Maggie's base child support per NAC 425.140 at \$923 per
17 month. Maggie shall receive a downward deviation under NAC 425.150(1)(b), the
18 legal responsibility for the support of others of \$100 per month. Maggie shall also
19 receive a downward deviation pursuant to NAC 425.150(g) for any other necessary
20 expenses for the benefit of the child in the amount of \$400 per month so long as
21 Maggie participating in the reunification therapy with Dr. Collins. Based upon the
22 downward adjustments, Maggie shall pay child support of \$423 per month
23 commencing April 1, 2022. The payments toward the arrears shall be \$27 per
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1 month, making the total monthly child support payment \$450 per month
2 commencing April 1, 2022.

3 **IT IS FURTHER ORDERED** that the net constructive child support
4 arrears are \$4,157 as of April 1, 2022. The constructive child support arrears shall
5 accrue interest at the legal rate.
6

7 **IT IS FURTHER ORDERED** that Maggie shall continue reunification
8 therapy with Dr. Sunshine Collins and shall continue being solely responsible for
9 the costs of reunification counseling.
10

11 **IT IS FURTHER ORDERED** that if Maggie is not attending sessions with
12 Dr. Collins at least twice per month, the downward adjustment she has received
13 from her child support obligation for Hunter shall be terminated.
14

15 **IT IS FURTHER ORDERED** that once a regular visitation is resumed,
16 Department R's standard holiday schedule will apply.
17

18 **IT IS FURTHER ORDERED** that the parties will continue using Our
19 Family Wizard. All communication is to be polite, respectful, business-like
20 regarding child issues only, without swearing, criticizing, disparaging the other
21 parent, or telling the other parent how to parent. If an emergency arises regarding
22 the minor children, Parties may contact the other Parent directly.
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1 **IT IS FURTHER ORDERED** that the terms of the Mutual Behavior Order
2 contained in the Order entered on September 28, 2020 shall remain in effect and is
3 incorporated herein by reference.
4

5 **IT IS FURTHER ORDERED** that the parenting coordinator and guardian
6 ad litem are hereby relieved of their duties with the gratitude of the Court.
7

8 **IT IS FURTHER ORDERED** that both parties shall continue to provide
9 health insurance for Hunter so long as it is available at a reasonable cost through
10 their own employer or the employer of a spouse.
11

12 **IT IS FURTHER ORDERED** that any unreimbursed medical, dental,
13 optical, orthodontic or other health related expense incurred for the benefit of the
14 minor child is to be divided equally between the parties. Either party incurring an
15 out-of-pocket medical expense for the child shall provide a copy of the paid
16 invoice/receipt to the other party within thirty days of incurring such expense, if
17 not tendered within the thirty-day period, the Court may consider it as a waiver of
18 reimbursement. The other party will then have thirty days from receipt within
19 which to dispute the expense in writing or reimburse the incurring party for one-
20 half of the out-of-pocket expense, if not disputed or paid within the thirty-day
21 period, the party may be subject to a finding of contempt and appropriate
22 sanctions.
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1 **IT IS FURTHER ORDERED** that Defendant shall receive the tax
2 dependency exemption for Hunter commencing with the 2022 tax year and each
3 year thereafter.
4

5 **IT IS FURTHER ORDERED** that Maggie owes Jason \$486.17 for one-
6 half of unreimbursed medical expenses as set forth in Exhibit N. Jason owes
7 Maggie for one-half of the counseling for Hunter with Sandy Miller, but it will
8 only be for the receipts she has posted on Our Family Wizard as of 11:59 p.m.
9 March 31, 2022. There will be an offset of one against the other. The total of the
10 therapy sessions with Sandy Miller for Hunter posted to Our Family Wizard as of
11 11:59 p.m. March 31, 2022, was \$487.50. One-half of that amount is \$243.75.
12 The difference is \$242.42, which Maggie owes Jason and which will be reduced to
13 judgment and will accrue interest at the legal rate and shall be made collectible by
14 any and all legal means.
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19 **IT IS HEREBY ORDERED** that Defendant's request for attorney's fees is
20 granted. Plaintiff, Maggie Cox, is ordered to pay attorney's fees and costs in the
21 amount of \$11,365.71. Said award is reduced to judgment against Plaintiff and
22 shall accrue interest at the legal interest rate from April 27, 2022, until paid in full.
23 Said judgment shall be collectible by all lawful means.
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1 graduates from high school or reaches 19 years of age, whichever comes first
2 (NAC 425.160 (1)).

3 **NOTICE IS HEREBY GIVEN** to both parties that the parent having the
4 child support obligation is subject to NRS 125.450 and NRS 31A.020 through
5 31A.230, inclusive, regarding the immediate withholding or assignment of wages-
6 commissions or bonuses for payment of child support, whether current or
7 delinquent.
8

9
10 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, either
11 party may request that the Court review the child support obligation every three
12 years or upon changed circumstances.
13

14
15 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.140 if an
16 installment of an obligation to pay support for a child becomes delinquent, the
17 Court shall determine interest upon the arrearages at a rate established pursuant
18 NRS 99.040, from the time each amount became due. Interest shall continue
19 accrue on the amount ordered until it is paid, and additional attorney's fees must be
20 allowed if required for collection.
21

22 **CHILD CUSTODY NOTICES**

23
24 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions
25 of NRS 125C.065 (1) and NRS 200.359, which provide: "If custody has been
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1 established and the custodial parent or a parent having joint custody intends to
2 move his residence to a place outside of this state and to take the child with him, he
3 must, as soon as possible and before the planned move, attempt to obtain the
4 written consent of the other parent to move the child from the state. If the
5 noncustodial parent or other parent having joint custody refuses to give that
6 consent, the parent planning the move shall, before he leaves the state with the
7 child, petition the court for permission to move the child. The failure of a parent to
8 comply with the provisions of this section may be considered as a factor if a
9 change of custody is requested by the noncustodial parent or other parent having
10 joint custody;” as well as NRS 125C.045(6) which provides:
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15 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
16 **CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION**
17 **OF THIS ORDER IS PUNISHABLE, AS A CATEGORY D**
18 **FELONY, BY UP TO 6 YEARS IN PRISON AS PROVIDED IN**
19 **NRS 193.130. NRS 200.359 provides that every person having a**
20 **limited right of custody to a child or any parent having no right of**
21 **custody to the child who willfully detains, conceals or removes the**
22 **child from the parent, guardian or other person having lawful custody**
23 **or a right of visitation of the child in violation of an order of this**
24 **court, or removes the child. .from the jurisdiction of the court without**
25 **the consent of either the court or all persons who have the right to**
26 **custody or visitation is subject to being punished by imprisonment in**
27 **the state prison for not less than 1 year nor more than 6 years, or by a**
28 **fine of not less than \$1,000 nor more than \$5,000, or by both fine and**
imprisonment.

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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 Findings of Fact, Conclusions of Law and Judgment 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: 5/18/2022

- "Fred Page, Esq." . fpage@pagelawoffices.com
- Roberts Stoffel Family Law Group . efile@lvfamilylaw.com
- Admin Admin Admin@pagelawoffices.com
- Melvin Grimes efile@lvfamilylaw.com
- Maggie Cox maggiejcoxedu@gmail.com
- Peggy O'Malley peggyomalley@portolainn.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 5/19/2022

Claudia Schwarts	1820 E Warm Springs RD STE 125 Las Vegas, NV, 89119
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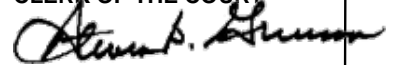
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Corinne Price

8965 S Pecos RD STE 9
Henderson, NV, 89074

Fred Page

6930 South Cimmaron Road Suite 140
Las Vegas, NV, 89113



1 **NOAS**
2 Melvin R. Grimes, Esq.
3 State Bar of Nevada No. 12972
4 **ROBERTS STOFFEL FAMILY LAW GROUP**
5 4411 S. 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

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

13 MAGGIE ROE nka MAGGIE COX,)

14 Plaintiff,)

15 v.)

16 JASON ROE,)

17 Defendant.)

CASE NO.: D-11-450074-D
DEPT NO.: U

18 **NOTICE OF APPEAL**

19 COMES NOW, Plaintiff Maggie Roe (“Plaintiff”), by and through her
20 counsel of record, Melvin R. Grimes Esq. of Roberts Stoffel Family Law Group,
21 and hereby appeals to the Supreme Court of Nevada Notice of Entry of the Order
22 from March 11, 2022 entered in this matter on April 11, 2022, and all other
23
24

25 ///

26 ///

1 interlocutory orders, determinations, and rulings by the District Court made
2 appealable by the foregoing.

3
4 Respectfully submitted this 9th day of June, 2022.

5 **ROBERTS STOFFEL FAMILY LAW GROUP**

6 

7 Melvin R. Grimes, Esq.
8 State of Nevada Bar No. 12972
9 4411 South Pecos Road
10 Las Vegas, Nevada 89121
11 PH: (702) 474-7007
12 FAX: (702) 474-7477
13 EMAIL: efile@lvfamilylaw.com
14 Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 9th day of June 2022, 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 Appeal, to the following:

Via E-Service
Fred Page, Esq.
Email: fpage@pagelawoffices.com
Attorney for Defendant

DATED this 9th day of June.



An Employee of Roberts Stoffel Family Law Group

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WRIT

Jason John Roe
(Name and Bar Number (if any))

5521 Eagle Claw Ave
(Address)

Las Vegas, NV 89130
(City, State, Zip Code)

702-343-5688
(Telephone and Facsimile Number)

roedeoduo@gmail.com
(E-mail Address)

Attorney for *(Name)*:
 Plaintiff, Counterclaimant, or Third-Party Plaintiff, In Proper Person

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

Maggie Joyce Cox

Plaintiff(s),

vs.
Jason John Roe

Defendant(s).

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

WRIT OF EXECUTION
 EARNINGS
 BANK ACCOUNT
 OTHER PROPERTY

THE PEOPLE OF THE STATE OF NEVADA:

To the Sheriff of Clark County or the Constable for the Township of **Henderson**.

Greetings:

To Financial Institutions: This judgment is for the recover of money for the support of a person.

On **5/18/2022**, a judgment was entered by the above-entitled court in the above-entitled action in favor of **Jason John Roe**, as Judgment creditor and against **Maggie Joyce Cox**, as Judgment Debtor, for:

\$242.42 Principal,
\$0.00 Pre-Judgment Interest,
\$11,365.71 Attorney's Fees, and
\$0.00 Costs, making a total amount of
\$11,608.13 **The judgment as entered**, and

1 **WHEREAS**, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$39.14 Accrued Interest, and
4 \$0.00 Accrued Costs, together with
5 \$10.00 Fee, for the issuance of this writ, making a total of
6 \$49.14 **As accrued costs, accrued interest and fees.**

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$0.00

9 which is to be first credited against the total accrued costs and accrued interest, with any excess credited
10 against the judgment as entered, leaving a net balance of

11 \$11,657.27

12 actually due on the date of the issuance of this writ, of which

13 \$11,608.13

14 bears interest at 3.25 percent per annum, in the amount of \$1.03 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 **NOW, THEREFORE, CONSTABLE/SHERIFF**, you are hereby commanded to satisfy this judgment with
18 interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any
19 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage
20 of the debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the
21 disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the
22 most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by
section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, and in effect at the time
the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid
county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
you have done.

23 Please retain from: wages, tips, commissions, benefits and tokens of _____
24 Maggie Joyce Cox
at his or her place of employment at Pinecrest Academy Sloan Canyon
25 located at 655 E. Dale Avenue Henderson, NV 89044
26 in satisfaction of the judgment against him or her.

27
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1 You are required to return this Writ from date of issuance not less than 10 days or more than 60
2 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 *[Signature]*
6 By: _____

6/10/2022

Deputy Clerk

Date

7 Issued at the direction of:

8 *(Signature)* /s/ Jason John Roe

9 Attorney for (Name):

Plaintiff, Counterclaimant, or Third-Party Plaintiff, In Proper Person

10 Name: Jason John Roe

Address: 5521 Eagle Claw Ave

11 City, State, Zip: Las Vegas, NV 89130

Phone: 702-343-5688

12 E-mail: roedeoduo@gmail.com

13 **SHERIFF OR CONSTABLE INFORMATION**

14 AMOUNTS TO BE COLLECTED BY LEVY:

RETURN:

15 **NET BALANCE:** \$11,657.27

____ Not satisfied \$ _____

16 Garnishment Fee: \$5.00

____ Satisfied in sum of \$ _____

17 Mileage: _____

____ Costs retained \$ _____

18 Levy Fee: _____

____ Commission retained \$ _____

19 Postage: _____

____ Costs incurred \$ _____

20 Other: _____

____ Commission incurred \$ _____

21 Sub-Total: _____

____ Costs received \$ _____

22 Commission: _____

23 **REMITTED TO JUDGMENT CREDITOR:**

\$ _____

24 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
25 endorsed thereon.

26 **SHERIFF OF CLARK COUNTY or**
CONSTABLE FOR THE TOWNSHIP OF _____

27 By: _____

28 Title

Date

NOTICE OF EXECUTION AFTER JUDGMENT

(Per NRS 21.075)

READ THIS NOTICE CAREFULLY

It provides information on how the law may allow you to protect your property or money from being attached to pay the judgment against you.

YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to the person or company (the "judgment creditor") listed on the Writ of Execution included with this Notice of Execution. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$605,000 unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. At least eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued; or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued; or if the weekly take-home pay is less than 50 times the federal minimum hourly wage, the entire amount may be exempt.
13. Money, not to exceed \$1,000,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 259, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure of a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through:

Legal Aid Center of Southern Nevada
725 E. Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1070
www.lacsn.org

Senior Law Project (60 years or older only)
530 Las Vegas Blvd. S. #310
Las Vegas, NV 89101
(702) 229-6596
www.snsnp.org

Nevada Legal Services
530 S. 6th Street
Las Vegas, NV 89101
(702) 386-0404
www.nslaw.net

If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption free of charge at the *Civil Law Self-Help Center*, 200 Lewis Avenue, on the first floor of the Regional Justice Center, downtown Las Vegas, Nevada, or on the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt.

The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed by the judgment creditor within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed.

You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payments, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

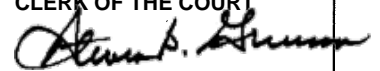
CHECKLIST FOR FILING A "CLAIM OF EXEMPTION"

- 1. Read the list of exemptions in this notice to determine whether any of your property or money is exempt from execution (in other words, protected from being taken to pay the judgment against you).
- 2. Obtain a "Claim of Exemption" form from the clerk at the court where the judgment against you was issued or from the Civil Law Self-Help Center, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.
- 3. Fill out the Claim of Exemption form. If you have documentation that proves the exemptions you are claiming, attach the documentation to the Claim of Exemption form (but be sure to black out any personal information, such as Social Security numbers, bank account numbers, etc.).
- 4. Take the completed Claim of Exemption form to the court where the judgment against you was issued, and file the Claim of Exemption with the court clerk.

NOTE: You must file your Claim of Exemption with the court within ten days after the Sheriff or Constable serves the Writ of Execution or Writ of Garnishment on you by mail, identifying the specific property that is subject to execution or garnishment, or within ten days after your wages are withheld if you are being garnished.

- 5. After your Claim of Exemption has been filed with the court, mail a copy of your file-stamped Claim of Exemption to the following three parties:
 - The Constable or Sheriff who mailed you the Writ of Execution or served your bank or employer;
 - The judgment creditor's attorney (or the judgment creditor directly if no attorney is involved);
 - Any garnishee (likely your employer, if your wages are being garnished; your bank, if your bank account has been attached; or some other third-party, if money or assets in the third-party's possession have been executed against).
- 6. Watch your mail. After receiving your Claim of Exemption, the judgment creditor has eight days to file an objection. If an objection is filed, a hearing will be set. You will receive a copy of the objection and a notice of the hearing in the mail.
- 7. Attend the court hearing if one is set. Before the hearing, collect whatever documentation you need to show that you are entitled to the exemptions you have claimed. Take your documentation to the hearing, along with a proposed order for the judge to sign. (You can obtain a form order from the clerk of the court or on the Civil Law Self-Help Center's website, www.civillawselfhelpcenter.org.) At the hearing, it will be your responsibility to prove to the judge that your claimed exemptions are appropriate.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.



1 **ASTA**
2 Melvin R. Grimes, Esq.
3 State Bar of Nevada No. 12972
4 **ROBERTS STOFFEL FAMILY LAW GROUP**
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6 Las Vegas, Nevada 89121
7 PH: (702) 474-7007
8 FAX: (702) 474-7477
9 EMAIL: efile@lvfamilylaw.com
10 Attorneys for Plaintiff

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

13 MAGGIE ROE nka MAGGIE COX,) CASE NO.: D-11-450074-D
14 Plaintiff,) DEPT NO.: U
15 v.)
16 JASON ROE,)
17 Defendant.)

18 **CASE APPEAL STATEMENT**

19 Pursuant to NRAP 3(f), Plaintiff Maggie Roe nka Maggie Cox ("Plaintiff"),
20 by and through her counsel of record, Melvin R. Grimes, Esq. of Roberts Stoffel
21 Family Law Goup, and hereby submits this Case Appeal Statement.

22 1. Name of appellant filing this case appeal statement:

23 Maggie Roe nka Maggie Cox

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2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Dawn R. Thrown, Eighth Judicial District Court
Family Division Department U, Clark County, Nevada.

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Maggie Roe nka Maggie Cox

Counsel: Melvin R. Grimes, Esq.
ROBERTS STOFFEL
4411 S. Pecos Road
Las Vegas, Nevada 89121

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent:

Respondent: Jason Roe

Counsel: Fred Page, Esq.
Page Law Firm
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113

5. Other potentially affected parties, and the name and address of appellate counsel, if known, for each:

Hunter T. Roe

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6. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:

None known.

7. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellant was represented by retained counsel in the district court.

8. Indicate whether appellant is represented by appointed or retained counsel on appeal;

Appellant is represented by Retainedcounsel on appeal.

9. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Not applicable.

10. Indicate the date the proceedings commenced in the district court:

July 28, 2010 – Complaint Filed

July 27, 2020 – Motion to Modify Custody filed

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14. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This case does involve the possibility of settlement.

Respectfully submitted this 17th day of July, 2022.

~~ROBERTS STOFFEL FAMILY LAW GROUP~~



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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,
and on the ~~6th~~^{6th} day of ~~June~~^{July} 2022, 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 Appeal, to
the following:

Via E-Service
Fred Page, Esq.
Email: fpage@pagelawoffices.com
Attorney for Defendant

DATED this 6th day of July.



An Employee of Roberts Stoffel Family Law Group