

1 **5. Length of trial or evidentiary hearing. If the order appealed from was**
2 **entered following a trial or evidentiary hearing, then how many days did**
3 **the trial or evidentiary hearing last?**

4 Three days.

5 **6. Written order or judgment appealed from:**

6 Findings of Fact, Conclusions of Law, and Judgment filed May 18, 2022.

7 **7. Date that written notice of the appealed written judgment or order's**
8 **entry was served:**

9 The Notice of Entry of Order was filed May 18, 2022.

10 **8. If the time for filing the notice of appeal was tolled by the timely filing of**
11 **a motion listed in NRAP 4(a)(4),**

12 **(a) Specify the type of motion, and the date and method of service**
13 **of the motion, and date of filing: N/A**

14 **(b) Date of entry of written order resolving tolling motion: N/A**

15 **9. Date notice of appeal was filed: June 9, 2022.**

16 **10. Specify statute or rule governing the time limit for filing the notice of**
17 **appeal, e.g., NRAP 4(a), NRS 155.190, or other: NRAP 4(a)**

18 **11. Specify the statute, rule or other authority, which grants this court**
19 **jurisdiction to review the judgment or order appealed from:**

20 NRAP 3A(b)(1).

21 **12. Pending and prior proceedings in this court. List the case name and**
22 **docket number of all appeals or original proceedings presently or**
23 **previously pending before this court which involve the same or some of**
24 **the same parties to this appeal:**

25 N/A

1 **13. Proceedings raising same issues. If you are aware of any other appeal or**
2 **original proceeding presently pending before this court, which raise the**
3 **same legal disuse(s) you intend to raise e in this appeal, list the case**
4 **name(s) and docket number(s) of those proceedings:**

5 None

6 **14. Procedural history. Briefly describe the procedural history of the case**
7 **(provide citation or every assertion of fact to the appendix or record, if**
8 **any, or to the transcript or rough draft transcript:**

9 The Complaint for Divorce was filed by Maggie on July 28, 2011. ROA
10 001908. The Decree of Divorce was filed February 6, 2013. ROA 001908.

11 The most recent custodial Order is the Order from November 21, 2017, in
12 which the parties agreed to joint legal and joint physical custody with a week
13 on/week off schedule. On July 27, 2020, Maggie filed a Motion to modify physical
14 custody, for Hunter to be Enrolled in Counseling, for a Brief Focused Assessment,
15 and for Hunter to be Removed from Social Media. Maggie requested that Hunter be
16 removed from social media because Hunter was friends on Facebook with Jason's
17 wife, Alexandra. ROA 000001-ROA 000033. In his Countermotion filed August
18 20, 2020, Jason requested that he receive primary physical custody. ROA 000070-
19 ROA 000100.

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21 ///

22 ///

1 **15. Statement of Facts. Briefly set forth the facts material to the issues on**
2 **appeal (provide citations for every assertion of fact to the appendix or**
3 **record, if any, or to the transcript or rough draft transcript):**

4 Defendant, JASON ROE (hereinafter “Jason”) and MAGGIE COX
5 (hereinafter “Maggie”) have one minor child, the issue of their marriage, Hunter
6 Thomas Roe (hereinafter “Hunter”) born November 9, 2009 (age 13).

7
8 The Decree of Divorce was filed February 6, 2013. ROA 001908.

9 Motions were serially filed by Maggie over the years. Maggie accused
10 Hunter’s brother, Taylor, of sexually abusing him. The case was closed out by Child
11 Protective Services as being unsubstantiated. ROA 000079; ROA 001073

12
13 On July 27, 2020, Maggie filed a Motion to modify physical custody, for
14 Hunter to be Enrolled in Counseling, for a Brief Focused Assessment, and for Hunter
15 to be Removed from Social Media. ROA 000001-ROA 000033. Maggie requested
16 that Hunter be removed from social media because Hunter was friends on Facebook
17 with Jason’s wife, Alexandra. ROA 000027. In his Countermotion filed in August
18
19 2020, Jason requested that he receive primary physical custody.
20
21

22 Judge Henderson entered the following pertinent orders,

- 23 1. The Department R holiday schedule was adopted.
- 24 2. Hunter was ordered to engage in counseling.
- 25 3. A Behavior Order was adopted.
- 26 4. A Brief Focused Assessment was ordered.
- 27
- 28

1 ROA 000135-ROA000142; ROA 000143-ROA 000153.

2 On January 4, 2021, the case was reassigned to the Hon. Dawn Throne.

3 On February 22, 2021, Maureen Zelensky, MFT, produced her Brief Focused
4 Assessment. As to Maggie, Ms. Zelensky made the following observations
5 regarding her,
6

7
8 Maggie was struggling to focus and was tearfully shuffling through
9 documents, I redirected her to the question which I had posed due to
10 time constraints, Maggie became more agitated, accused me of not
listening than I needed to hear the whole story.

11 ROA 000974.

12
13 I inquired of Hunter about his phone contact with each parent will be
14 easiest for him. At this point, Maggie's agitation spiraled becoming
15 tearful and starting to hyperventilate. She went on about not having
16 these discussions in front of Hunter, was totally distressed, stood up and
17 said I can't do this and left the office abruptly. It was interesting to note
that during all of this, Hunter continued to draw not any attention to the
intense emotional scene which had just unraveled.

18 ROA 000980

19
20 She pulled out her phone, called her mother, put her on speaker. I
21 directed Maggie to take the call outside; however, she continued to cry
22 attempting to talk to her mother, although her voice was at a high pitch
squeal and practically unintelligible.

23
24 Maggie was continuing the conversation with her mother, very
dramatic, stating she couldn't breathe, et cetera

25 ROA 000980.

26
27 I asked if Hunter was okay and he said yeah, this happens all the time.
28 He appeared not to be phased in the least by the situation that had just
occurred.

1 ROA 000980

2
3 Ms. Zelensky put in her report,

4 Maggie reported that during her relationship with Jason, that his
5 daughter, Tori, by either a caregiver or a boyfriend of Tori's mother,
6 Marianne. Maggie reported to CPS and that her concerns were
7 substantiated via investigation.¹ Maggie believes that Hunter was
8 molested by TJ at the age of 4 years old based upon finding bruises on
9 Hunter's hips.

9 ROA 000975.

10 On Sunday, March 7, 2021, Maggie had Hunter arrested. ROA 000156.
11 Maggie claimed that Hunter "attacked" herself and her mother, Peggy, who was in
12 Las Vegas visiting. ROA 000156. When Jason showed up to pick up Hunter the
13 following morning at Child Haven, Maggie was already there at 4:00 a.m. ROA
14 000157. Maggie refused to allow Jason to take Hunter, even though Jason's
15 custodial time was going to begin at 3:30 p.m. later that day. ROA 000157.
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19 On March 7, 2021, correspondence was sent to Maggie's counsel. It was
20 requested Maggie provide her agreement that Hunter will not have to return to her
21 house until she and Hunter first get some counseling and/or some reunification
22 therapy.
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¹ There was no substantiation. ROA 001073.

1 On March 10, 2021, correspondence was sent to Maggie's counsel telling her
2 that there was some terribly wrong with her client and to please do something about
3 her. ROA 000158. To try and let matters cool off, it was requested that Hunter stay
4 with Jason for a while. ROA 000157. The response from Maggie was an absolute
5 rejection. ROA 000158.
6

7
8 On March 16, 2021, in the afternoon, Hunter sent a text to Jason, telling him
9 that Maggie had stabbed him in the throat with a stick. ROA 000158. Jason told
10 Hunter to call 911. ROA 000158. Jason called 911 as well and raced to Maggie's
11 house. ROA 000158.
12

13 When Jason got to Maggie's house, Metro was there as well as paramedics.
14 ROA 000158. The story Maggie gave the officers was that Hunter struck Danica
15 with a stick and that she never attacked and stabbed Hunter in the throat. ROA
16 000158. Because there were some marks on Danica's arm and there were no marks
17 on Hunter's throat. ROA 000158-ROA 000159. Metro followed through with
18 Maggie's demand and had Hunter arrested again. ROA 000159.
19
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21

22 On March 17, 2021, at about 4:30 a.m. or 5:00 a.m. Jason went to Child Haven
23 to see if he could get Hunter. ROA 000159. Jason testified that he walked into the
24 lobby Maggie screamed to the officers, "he has a gun." ROA 000160. Jason testified
25 that he was swarmed by the two Metro officers that were already there and the two
26
27
28

1 Marshals that were on duty. Jason was asked if he had a weapon. ROA 000160.

2 There was no weapon. ROA 000160.

3 Jason filed an Emergency Motion for sole legal and sole physical custody.
4 ROA 000154-ROA 000164. At the March 22, 2021, the district court found
5 Maggie's behavior with Ms. Zelensky during the Brief Focused Assessment to be
6 "completely bizarre and out of control." ROA000306. The district court also found
7 that Hunter is not safe in Mom's home, Mom is not safe, Hunter's sister is not safe.
8 ROA 000307. Jason was awarded temporary sole legal and sole physical custody.
9 ROA 000308. Shelly Cooley, Esq. was appointed as the guardian ad litem for
10 Hunter. ROA 000309.

11
12 At a Hearing on May 13, 2021, regarding Maggie's request Maureen Zelensky
13 who performed the Brief Focused Assessment be permitted to supplement her report,
14 the Court ordered that a parenting coordinator, Corrine Price, Esq. be appointed.
15 ROA 000406; 000416.

16
17 On July 25, 2021, Hunter ran away during a visitation he had with Maggie
18 because of her conduct. ROA 000380- ROA 000383.

19
20 On August 1, Hunter refused to have visitation with Maggie. On August 2,
21 Ms. Cooley was able to interview Hunter. After the interview, Ms. Cooley
22 recommended that in person visitations between Maggie and Hunter be paused until
23 the matter could be brought before the Court.
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1 At a hearing on September 27, 2022, on Jason's Objection to the Parenting
2 Coordinator's Report and Recommendations and at the status check on reunification,
3 it was ordered, based upon Dr. Collins' recommendations, that Hunter and Maggie
4 not have contact outside of reunification sessions. ROA 000486; 000000499.
5

6 On January 5, 2022, Maggie filed a Motion to try and disqualify Judge Throne.
7
8 ROA 000517-ROA 000538. On January 20, 2022, Chief Judge Linda Bell denied
9 Maggie's Motion. ROA 000582 – ROA000588.
10

11 The evidentiary hearing took place on March 10, 11, and 31, 2022.

12 On March 10, 2022, the first day of trial, the Guardian-ad-Litem, Shelly Booth
13 Cooley, Esq. testified. Ms. Booth testified that Hunter was sufficiently mature and
14 expressed himself well. ROA 000667. As to Hunter's relationship with Maggie,
15 Ms. Booth testified,
16

17
18 Okay. With my initial contact with Hunter, he very much wanted to
19 have a relationship with his mom, Maggie, and he was very saddened
20 by it. He felt that he had been betrayed by her when she called the
21 police, because it -- he believed that Maggie antagonized the
22 situation and would get physical first and then would catch him and
23 then he would get in trouble in that manner.

24 ROA 000668.

25 . . . based on comments that Hunter said -- Hunter had a different
26 preference to reside primarily with his father Jason.

27 Q. When you were speaking to Hunter, did he appear sufficiently mature
28 for his age? Did he express himself well?

A. He did.

1 ROA 000667.

2
3 On March 11, 2022, Sunshine Collins, Psy.D. testified. Dr. Collins' reports
4 are ROA 001332-ROA001340. Dr. Collins testified as to the following as to Hunter:

5
6 My sessions with Hunter were very positive. Rapport was established
7 very quickly. He was open. He communicated with me. I saw some
8 positive signs about how suitable he would be for making
9 improvements in reunification. For example, he was easily and -- and
10 quickly willing to describe some of his own problematic behaviors that
11 had contributed to the state of his relationship with his mother.

12 ROA 001010.

13 The other positive sign was that he was able to clearly articulate where
14 the points of disconnect were for him in -- in terms of his relationship
15 with his mother. He was able to describe what his emotional issues were
16 with that relationship and the things that he named.

17 ROA 001010.

18 But what I can say is that my understanding is that Hunter is pretty
19 satisfied in his current housing situation. He is pretty satisfied in his
20 relationship with Dad and with stepmom.

21 ROA 001013-ROA001014.

22 Dr. Collins testified as to Maggie,

23 But one of the other biggest concerns that I had was just that she seemed
24 to lack that quality I was describing Hunter to have which is that insight
25 into how her own behaviors had contributed to the state of her
26 relationship with Hunter.

27 ROA 001012

28 And then lastly, the -- the other piece that I would want to mention is
that she so far had, had demonstrated an inability to recognize Hunter's

1 perspective in things. So she was easily able to describe how she felt in
2 some of the difficult situations that she's had with Hunter, but she was
3 not as able to describe what his feelings might have been or how certain
4 situations could possibly have made him feel. And -- and that's
5 problematic because it's really a skill that I would want to receive from
6 the adult in the room.

7 ROA 001012.

8 Dr. Collins believes that Maggie needs mental health treatment,

9 Q. Because of the the -- the term I use as emotional dysregulation,
10 do you think that additional therapy would be indicated for her or
11 possibly medication?

12 A. Absolutely. I do think that some form of mental health treatment is
13 indicated for her emotional dysregulation.

14 ROA 001015-ROA001016.

15 There were specifics provided by Dr. Collins regarding Maggie's behavior
16 that resulting in her reaching the conclusion that Maggie needs mental help.

17 Q. Okay. On -- on page two of your report, you wrote that Ms. Cox was
18 yelling and shouting. Do you recall what Ms. Cox was yelling and
19 shouting?

20 A. Yes. So she was shouting things such as you won't tell me what I
21 have to do, you're calling me a drug addict, you're a liar, things like that.

22 ROA 001018-ROA 001019.

23 Ultimately, Dr. Collins' recommendation was that there be **no contact**
24 between Maggie and Hunter.
25

26 Q. Is it still your recommendation that there would be no contact
27 between Ms. Cox and Hunter?
28

1 A. Un -- unfortunately it is.

2 ROA 001022.

3 Dr. Collins concluded that Maggie is unable to prioritize the psychological
4 welfare of the children at this time.

6 Q. In your report, you indicated that Ms. Cox was unable or unwilling
7 to prioritize the psychological welfare of the children at this time.
8 Could you elaborate on what you meant by that?

9 A. Sure. I -- I think that right now she is extremely focused on the
10 hardship that this experience has placed on her.

11 ROA001024.

12 As also part of Maggie being unable to put a child's interests before that of
13 her own, Dr. Collins noted that Maggie was unable to comport herself as an adult
14 during their session.

17 A. And yet during our st -- our second session, she repeatedly
18 pulled her daughter into the video frame and kept her next to her while
19 talking to me about very serious things having to do with the child's
20 brother. And again, this was while Maggie was vacillating between
21 sobbing and shouting at me. And seeing a parent at that level of
22 emotional distress is very upsetting for a young child and -- and really
23 showed that she wasn't considering really how her daughter would feel
24 in that circumstance.

25 ROA 001026.

26 As to emotional harm to which Hunter might be subject to by being around
27 Maggie, Dr. Collins testified,

28 A . . . But I do think that it's emotionally distressing for a child to see
a parent that dysregulated and then to hear some of the content that

1 was being said by that parent in terms of, you know, concerns that
2 Maggie was expressing that she was never going to see Hunter again

3 ROA 001027-ROA 001028.

4 As to alienation, in response to a question from Maggie's counsel, Dr. Collins
5 testified,

6
7 So today, speaking on, you know, whether or not I -- whether or not
8 parental alienation is the key reason that he's resisting contact with
9 Mom, I -- I don't believe that it is.

10 ROA 001047- ROA 001049.

11 After Dr. Collins was finished testifying, Maggie was called to the stand.
12 Maggie was not on the stand for more than 10 minutes when Judge Throne stopped
13 the proceedings to have Maggie's counsel speak to her in the hallway because of her
14 behavior.
15

16
17 Q. Listen to the question. A motion had been filed claiming that Tori
18 had been sexually abused, right?

19 A. I don't know.

20 . . .

21
22 THE WITNESS: Yeah. I don't know their case. I know that there was
23 an outcry made to me. Jason filed a police report. It was founded and
24 the children were taken from Marianne for a period of time. That's
25 what I know --

26 THE COURT: Do you need --

27 THE WITNESS: -- of that situation.

28 THE COURT: -- a break, Mr. Grimes, with your client?

1 . . .

2
3 THE COURT: Because her -- her testimony is contradicting what she
4 told Ms. Zelensky too. So she actually -- she does know, and she did
5 participate in that case with --

6 THE WITNESS: That's what' --

7 THE COURT: -- Marianne and she said she reported concerns to CPS
8 about Tori and she said this is substantiated, which she knows it
9 wasn't substantiated. She knows that Judge Sullivan entered an order
10 saying there was no sexual abuse.

11 THE WITNESS: I -- I thought it was substantiated.

12 THE COURT: Nope. No, they were removed because you made that
13 allegation --

14 THE WITNESS: I didn't make it --

15 THE COURT: -- until it was investigated.

16 THE WITNESS: Allegation --

17 THE COURT: So I -- I think your -- your client may need a break --
18 . . .

19
20 THE COURT: -- because she is under oath and she's contradicting
21 things she has told Ms. Zelensky and things that are in the records in
22 these other cases.

23 MR. GRIMES: Let's take a break.

24
25 ROA 001072-ROA 001073

26 After Maggie, Jason, his wife, Alexandra, and Maureen Zelensky testified, the
27 district court found there has been a substantial change in circumstances affecting
28

1 the welfare of Hunter. Those changes included, a severe deterioration in Hunter and
2 Maggie's relationship; and Hunter's age and wishes. ROA 001908.

3
4 The district court also found modification of custody modification served
5 Hunter's best interests and made extensive findings under NRS 125C.0035(4)(a)-(k)
6 as to why it is in Hunter's best interests that custody be changed. ROA 001909-
7
8 ROA 001915. The district court found four of the factors in favor of Jason to support
9 his request to change custody. ROA 001909-ROA 001915. Those findings from
10 the district court included Hunter being of a sufficient age and maturity and to form
11 an intelligent preference, concerns about Maggie's emotional and mental stability,
12 Hunter's developmental stage, and Hunter having a better relationship with Jason.
13
14 ROA 001909-ROA 001910; ROA 001913; ROA 001914.

15
16 **16. Issues on appeal. State concisely the principal issues(s) in this appeal.**

- 17
18 1. Whether a court can admit child testimony through a guardian-ad-litem
19 over the objection of a party.
- 20
21 2. Whether the court abused its discretion in finding a change in
22 circumstances since the last custodial order.
- 23
24 3. Whether the court demonstrated actual bias toward the Appellant and
25 failed to recuse herself.
- 26
27 4. Whether the district court abused its discretion in issuing biases and
28 prejudicial interlocutory orders.

1 5. Whether the district court's order after hearing is an abuse of discretion
2 and violates the Appellant's Constitutional Rights.

3
4 6. Whether the district court's award of attorney's fees was an abuse of
5 discretion.

6 **17. Legal argument, including authorities:**

7
8 **A. The District Court Did Not Err and Did Not Consider Child Testimony**
9 **Not Subject to Cross Examination**

10 There is not a child interview at the Family Mediation Center, a guardian ad
11 litem appointment or child custody evaluation that has ever been done that did not
12 take into account or consideration of a child's statement. It is axiomatic that a
13 guardian-ad-litem is there to be a voice of the child and therefore is going to have
14 listen to what the child tells that person.
15

16
17 The complaint Maggie raises was pretty directly addressed by the Nevada
18 Supreme Court in *Abid v. Abid*, 133 Nev. 770, 406 P.3d 476, (2017). In *Abid*, the
19 Supreme Court stated and held, "NRS 50.285(2) allows expert witnesses to consider
20 inadmissible evidence so long as it is 'of a type reasonably relied upon by experts in
21 forming opinions or inferences upon the subject.'" *Id.* at 478-79.
22

23
24 Both Ms. Cooley, the guardian-ad-litem, and Dr. Collins, the reunification
25 expert, were both treating experts in their respective fields and nobody has stated or
26 suggested otherwise. Both Ms. Cooley and Dr. Collins had to speak to Hunter in
27 order to perform the tasks for which they were hired. Further, Dr. Collins' status
28

1 reports were admitted into evidence. It strains credulity for Maggie to claim that on
2 hand experts should be retained to perform the tasks for which they were respectively
3 hired and on the other hand be prohibited from revealing anything to the court about
4 the results of the tasks they performed.
5

6 Maggie relies on statements that Hunter allegedly made to Maureen Zelensky
7 to support her contents, but according to her that is “okay.” Waiver and estoppel are
8 applicable here. *See Mahban v. MGM Grand Hotels, Inc.*, 691 P.2d 421, 424, 100
9 Nev. 593, 596 (1984) (a waiver is the intentional relinquishment of a known right);
10 *Topaz Mutual Co. v. Marsh*, 108 Nev. 845, 853, 839 P.2d 606, 611 (1992)
11 (“[e]quitable estoppel functions to prevent the assertion of legal rights that in equity
12 and good conscience should not be available due to a party's conduct.”).
13
14
15

16 Maggie cannot have it both ways. Accordingly, Maggie’s request should be
17 rejected.
18

19 **B. The District Court Did Not Abuse Its Discretion in Finding a Change in**
20 **Circumstances**

21 Maggie asserts that Jason failed to allege a change in circumstances. Jason
22 alleged in his Countermotion filed August 20, 2020, that based upon Hunter’s
23 wishes, Maggie’s unwillingness to facilitate a relationship, Maggie’s inability to
24 cooperate, Hunter’s developmental stage, Maggie’s demonstrated mental instability
25 and Hunter’s poor relationship with Maggie all constituted a substantial change in
26 circumstances. ROA 000100.
27
28

1 Maggie alleges that allegations regarding her mental health came from events
2 prior to 2017. Maureen Zelensky detailed Maggie’s bizarre behavior which was pos
3 2017. ROA 000974; 000980. Dr. Collins detailed Maggie’s bizarre behavior in her
4 status reports and during her trial testimony which was also post 2017. ROA
5 001010-ROA001028. Maggie claims that Ms. Zelensky claims that Jason’s conduct
6 constituted abuse. No citation to the record is provided. However, Dr. Collins
7 testified, “but there's another level to it to -- to call it alienation.” ROA 001049.
8

9
10 Maggie asserts that the district court blamed her for various acts, but fails to
11 provide any citation to the record.
12

13 Maggie tries to attack Jason’s credibility. In *Klabacka v. Nelson*, 394 P.3d
14 940, 948 (Nev. 2017), the Supreme Court stated, “We recognize that the district
15 court is in the best position to weigh the credibility of witnesses, and we will not
16 substitute our judgment for that of the district court here. *See In re Parental Rights*
17 *as to J.D.N.*, 128 Nev. 462, 477, 283 P.3d 842, 852 (2012).”
18

19
20 **C. The District Court is not Demonstrably Biased**
21

22 Maggie filed a Motion to try and disqualify Judge Throne on January 5, 2022.
23 That Motion was rejected by Chief Judge Linda Bell on January 20, 2022. There was
24 no appeal filed by Maggie. The matter is *res judicata*. Maggie fails to allege any
25 acts between January 5, 2022, and March 31, 2022, that would warrant Judge Throne
26
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1 from being demonstrably biased. Maggie was given three evidentiary hearings days
2 to defend Jason case in chief and to put on her own case in chief.

3
4 The police reports were limited to Maggie's statements because of the officers
5 were never subpoenaed by Maggie to appear and lay a foundation for what they
6 wrote. Brief at 16. Ms. Zelensky never stated that Jason was "actively" alienating
7 Hunter, and Maggie fails to provide any citation to the record supporting that claim.
8
9 Brief at 16.

10
11 Maggie claims that the district court rules against her that limited her time
12 with Hunter. Brief at 16. After Hunter ran away, Ms. Cooley recommended and it
13 was ordered that contact be paused. ROA000499. Dr. Collins recommended in
14 September and testified on March 11, 2022, that there be no contact. ROA 001022.

15
16 Maggie complains about Judge Throne's comments and orders. Brief at 17.
17
18 Maggie then fails to provide any specific comments or any specific orders about
19 which she has any complaints.

20
21 Maggie complains about Judge Throne's extended questioning of her. Brief
22 at 17. Maggie fails to provide any specifics about the questions or comments with
23 which she is taking issue on appeal.

24
25 Maggie claims that she did not receive a fair and unbiased trial. Brief at 17.
26 Maggie, again, fails to provide any substantiation for her claims.

1 Maggie asserts that “the court consider (sic) extraneous knowledge not
2 admitted and even spoke to this information during the trial (sic). Brief at 17. It is
3 Maggie’s duty to provide specifics about which she takes exception. Maggie has
4 failed in that duty.
5

6 For all of the above, Maggie’s request should be rejected.
7

8 **D. The District Court’s Interlocutory Orders Were Proper**

9 Maggie claims that the district court’s interlocutory orders were “improper.”
10 Brief at 18 to 20. Maggie fails to specify which of orders from the Order from
11 August 27, 2020, hearing to the Order filed January 20, 2022, from Judge Bell
12 denying her request to disqualify Judge Throne were “improper.” If Maggie
13 believed that Judge Throne exceeded her authority as a result of any of the Order
14 entered from any of the hearings from August 27, 2020, to January 20, 2022, then
15 Maggie was obligated to file a Writ of Prohibition within 30 days after the Notice of
16 Entry of Order.
17
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20 There are no facts asserted by Maggie wherein the district court’s orders were
21 not fully supported by the underlying record. There is not statute or case law asserted
22 by Maggie wherein she is claiming that the district court made an error of law. It is
23 not even clear as to what Maggie is requesting by way of relief. Accordingly,
24 Maggie’s complaint that the district court’s interlocutory orders were somehow
25 “improper” must be rejected.
26
27
28

1 **E. The Court’s Orders Limiting Contact Between Maggie and Hunter Were**
2 **Proper**

3 Maggie claims that the district court has removed all parental contact and she
4 now has no ability to interact with Hunter as a result of the district court’s orders.
5 Brief 20. Maggie fails to provide any citation to the record wherein all contact
6 between Maggie and Hunter are eliminated. Maggie fails to provide the page and
7 line number of any order the removes all contact she has with Hunter.
8
9

10 The district court in the March 11, 2022, Order provided that “Plaintiff’s no
11 contact order with the minor child is lifted. Plaintiff may send the minor child mail
12 correspondence (cards, notes, gifts, and etc.) Plaintiff may have positive phone
13 contact/text messages with the minor child. ROA 001843. In the Findings of Fact,
14 Conclusions of Law, and Order, it was stated, “It is the intent of the Court that
15 Maggie’s visitation with Hunter be expanded as soon as Dr. Collins determines that
16 Hunter and Maggie are ready to do so.” ROA 001924-ROA 001925.
17
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20 As there is contact and there is a pathway to resume contact, Maggie’s
21 assertions upon which she bases her appeal are factually incorrect.
22

23 **F. The District Court Did Not Abuse Its Discretion in Awarding Attorney’s**
24 **Fees to Jason**

25 The district court reviewed Jason’s Brief regarding attorney’s fees. Maggie
26 had the opportunity to file a response. The district court awarded Jason some of the
27 attorney’s fees he incurred, but not all. The district court provided findings as to
28

1 why it was awarding the amount that it was awarding. Maggie claiming that the
2 district court was “biased” against her and then fails to provide any specifics as to
3 how the district court was biased fails to provide any substantiation as how the
4 district court abused its discretion. Accordingly, Maggie’s request that the district
5 court abused its discretion should be rejected.
6

7
8 **18. Issues of first impression or of public interest. Does this appeal present a**
9 **substantial legal issue of first impression in this jurisdiction or one affecting an**
10 **important public interest: Yes _____ No X If so, explain:**
11

VERIFICATION

1
2 1. I hereby certify this fast track response complies with the
3 formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP
4 32(a)(5) and the type style requirements of NRAP 32(a)(6).

5
6 [X] This fast track statement has been prepared in a proportionally
7 spaced typeface using [Word 2013 in 14 point, Times New Roman
8 Font; or

9
10 [] This fast track statement has been prepared in a monospaced
11 typeface using [state name and version of word processing program]
12 with [state number of characters per inch and name of type style]
13

14
15 2. I further certify that this fast track statement complies with the
16 page- or type volume limitations of NRAP 3E(e)(2) because it is either:

17
18 [X] Proportionally spaced, has a typeface of 14 points or more, and
19 contains 4,339 words; or

20 [] Monospaced, has 10.5 or fewer characters per inch, and contains
21 _____ word or _____ lines of text; or

22 [] does not exceed _____ pages.

23
24 3. Finally, I recognize that under NRAP 3E I am responsible for
25 timely filing a fast track response and that the Supreme Court of Nevada may impose
26 sanction for failing to timely file a fast track response, or failing to raise material
27
28

1 issues or arguments in the fast track response. I therefore certify that the information
2 provided in this fast track response is true and complete to the best of my knowledge,
3 information, and belief.
4

5 DATED this 20th day of December 2022

6 PAGE LAW FIRM
7

8
9 */s/ Fred Page*
10 FRED PAGE, ESQ.
11 Nevada Bar No. 6080
12 6930 South Cimarron Road, Suite 140
13 Las Vegas, Nevada 89113
14 (702) 823-2888
15 Attorney for Respondent
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ROUTING STATEMENT

This case is presumptively assigned to the Court of Appeals per NRAP 17(b)(5), as the issues relate to Chapter 125. The case raises no issues of importance that would warrant review by the Supreme Court.

DATED this 20th day of December 2022

Respectfully submitted,
PAGE LAW FIRM

/s/ Fred Page _____
FRED PAGE, ESQ.
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Page Law Firm and that on December 20, 2022, I electronically filed with the Supreme Court a true and correct copy of the above and foregoing **RESPONDENT’S FAST TRACK RESPONSE**.

I further certify that on December 20, 2022, I served a true and correct copy of the above and foregoing **RESPONDENT’S FAST TRACK RESPONSE** via e-service and U.S. Mail, postage prepaid, to the following:

Melvin Grimes, Esq.
Roberts Stoffel Family Law Group
4411 South Pecos Road
Las Vegas, Nevada 89121
Attorney for Appellant

/s/ Fred Page
An employee of Page Law Firm