

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 15 2023 03:43 PM
Elizabeth A. Brown
Clerk of Supreme Court

KIMBERLY WHITE,
Appellant(s),

vs.

TAMIKA BEATRICE JONES,
Respondent(s),

Case No: D-19-594413-C

Docket No: 86500

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
KIMBERLY WHITE, PROPER PERSON
10461 HARTFORD HILLS AVE.
LAS VEGAS, NV 89166

ATTORNEY FOR RESPONDENT
MARK J. McGANNON, ESQ.
5550 PAINTED MIRAGE RD., STE 320
LAS VEGAS, NV 89149

D-19-594413-C Tamika Beatrice Jones, Plaintiff. vs. Christopher Charles Judson,
Defendant.

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 238
2	239 - 476
3	477 - 714
4	715 - 952
5	953 - 1190
6	1191 - 1227

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	7/13/2020	(1) Motion to Intervene; (2) For an Order to Produce the Children, (3) Sole Legal and Primary Physical Custody of the Minor Children; (4) for Child Support; (5) Visitation for Plaintiff and Defendant; (6) for Medical Coverage; (7) For Child Support and Associated Child Rearing Costs; or in the Alternative (8) for Third Party Visitation; (9) for Attorney's Fees and Costs; and, Other Related Relief. (Continued)	236 - 238
2	7/13/2020	(1) Motion to Intervene; (2) For an Order to Produce the Children, (3) Sole Legal and Primary Physical Custody of the Minor Children; (4) for Child Support; (5) Visitation for Plaintiff and Defendant; (6) for Medical Coverage; (7) For Child Support and Associated Child Rearing Costs; or in the Alternative (8) for Third Party Visitation; (9) for Attorney's Fees and Costs; and, Other Related Relief. (Continuation)	239 - 267
3	12/13/2021	Addendum to Ex Parte Application for an Order Shortening Time	616 - 623
1	8/16/2019	Affidavit of Service (this form is to be Completed by the Person who Serves the Documents)	42 - 43
1	9/6/2019	Answer and Counterclaim for Custody, Visitation and Child Support	44 - 48
5	5/12/2022	Appendix of Exhibits in Support of Opposition and Countermotion	978 - 1000
1	8/12/2019	Application to Proceed in Forma Pauperis (Confidential)	1 - 5

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
6	5/3/2023	Case Appeal Statement	1191 - 1192
2	11/24/2020	Certificate of Mailing	335 - 344
2	11/25/2020	Certificate of Mailing	346 - 348
5	9/14/2022	Certificate of Mailing	1067 - 1070
5	9/26/2022	Certificate of Mailing	1086 - 1089
1	9/17/2019	Certificate of Service	112 - 112
6	6/15/2023	Certification of Copy and Transmittal of Record	
5	2/1/2023	Clerk's Notice of Nonconforming Document	1129 - 1131
1	8/12/2019	Complaint for Custody and UCCJEA Declaration	6 - 19
6	6/15/2023	District Court Minutes	1193 - 1227
2	11/18/2021	Emergency Ex-Parte Motion for Stay of Order from Return of Children (Continued)	471 - 476
3	11/18/2021	Emergency Ex-Parte Motion for Stay of Order from Return of Children (Continuation)	477 - 500
1	12/19/2019	Emergency Motion for Permission to Relocate Immediately, for Temporary Sole Physical Custody, and Related Relief	134 - 159
3	11/18/2021	Emergency Motion For Stay of Order for Return of Children; Oral Argument Requested: Yes	501 - 531
3	11/19/2021	Ex Parte Application for an Order Shortening Time	533 - 537
3	12/13/2021	Ex Parte Application for an Order Shortening Time	548 - 615

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
4	4/18/2022	Ex Parte Application for an Order Shortening Time	904 - 906
1	8/14/2019	Ex Parte Motion for an Order Shortening Time	40 - 41
2	12/16/2020	Ex Parte Motion for an Order Shortening Time; No Hearing Requested	438 - 442
2	12/8/2020	Ex Parte Motion for Return of Children	351 - 390
3	1/17/2022	Exhibit Appendix in Support of Intervenor's Opposition to Plaintiff's Emergency Motion for Stay of Order for Return of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child and Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff Guilty of Child Abduction; For Immediate Return of the Remaining Minor Child to Las Vegas, Nevada; For Attorney's Fee's and Costs; and Related Relief. (Continued)	661 - 714
4	1/17/2022	Exhibit Appendix in Support of Intervenor's Opposition to Plaintiff's Emergency Motion for Stay of Order for Return of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child and Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff Guilty of Child Abduction; For Immediate Return of the Remaining Minor Child to Las Vegas,	715 - 778

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		Nevada; For Attorney's Fee's and Costs; and Related Relief. (Continuation)	
1	9/17/2019	Exhibits in Support of Defendant's Opposition & Countermotion	77 - 111
4	5/2/2022	Exhibits in Support of Motion to Continue Evidentiary Trial	924 - 933
1	12/19/2019	Exhibits to Emergency Motion	160 - 208
4	5/3/2022	Ex-Parte Application for an Order Shortening Time	935 - 939
1	12/19/2019	Exparte Application for an Order Shortening Time in which to Hear Plaintiff's Motion to Relocate and Other Relief	209 - 211
5	3/29/2023	Findings of Fact, Conclusions of Law, and Order	1146 - 1166
1	8/12/2019	General Financial Disclosure Form (Confidential)	32 - 39
2	12/8/2020	Intervenor, Kimberly White's Motion to Enforce Visitation Order, Motion for Contempt, Motion for Pick up Order and Attorney's Fees and Costs	391 - 436
3	1/5/2022	Intervenor's Opposition to Plaintiff's Emergency Motion for Stay of Order for Return of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child and Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; for the Court to Find Plaintiff Guilty of Child Abduction; for Immediate Return of the Remaining Minor Child to	626 - 660

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		Las Vegas, Nevada; for Attorney's Fees and Costs; and Related Relief.	
5	2/12/2023	Memorandum: Proposed Grandparent Visitation Schedule	1144 - 1145
1	8/12/2019	Motion and Notice of Motion for Orders for Temporary Custody, Visitation, and/or Child Support	22 - 31
5	1/31/2023	Motion for the Court to Request Records from Nevada and Michigan CPS Regarding Plaintiff and Minor Children	1127 - 1128
4	5/2/2022	Motion to Continue Evidentiary Hearing	910 - 923
2	11/24/2020	Motion to Withdraw as Attorney of Counsel; No Hearing Requested	327 - 334
5	9/14/2022	Motion to Withdraw as Attorney of Record	1062 - 1066
4	2/3/2022	Motion to Withdrawal as Counsel of Record; Oral Argument Requested	889 - 894
2	12/8/2020	Notice of Appearance	349 - 350
2	9/25/2021	Notice of Appearance	469 - 470
4	4/19/2022	Notice of Appearance	907 - 909
1	6/19/2020	Notice of Appearance of Counsel	233 - 235
1	9/25/2019	Notice of Change of Address	114 - 115
1	10/30/2019	Notice of Entry of Order	123 - 131
2	11/3/2020	Notice of Entry of Order	313 - 319
2	11/3/2020	Notice of Entry of Order	320 - 325
2	3/30/2021	Notice of Entry of Order	456 - 461
2	3/30/2021	Notice of Entry of Order	462 - 468
3	11/19/2021	Notice of Entry of Order	541 - 545

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
4	1/25/2022	Notice of Entry of Order	870 - 879
5	5/23/2022	Notice of Entry of Order	1039 - 1044
5	9/14/2022	Notice of Entry of Order	1077 - 1084
5	10/20/2022	Notice of Entry of Order	1094 - 1100
5	11/18/2022	Notice of Entry of Order	1104 - 1108
5	3/30/2023	Notice of Entry of Order	1167 - 1189
4	3/25/2022	Notice of Entry of Order for Order to Withdraw	899 - 903
2	7/15/2020	Notice of Hearing	268 - 301
2	8/14/2020	Notice of Hearing	302 - 303
2	11/25/2020	Notice of Hearing	345 - 345
2	12/10/2020	Notice of Hearing	437 - 437
3	11/18/2021	Notice of Hearing	532 - 532
3	12/7/2021	Notice of Hearing	546 - 547
4	2/4/2022	Notice of Hearing	895 - 895
4	5/3/2022	Notice of Hearing	934 - 934
5	9/23/2022	Notice of Hearing	1085 - 1085
5	2/7/2023	Notice of Hearing	1143 - 1143
5	5/1/2023	Notice of Intent to Appeal	1190 - 1190
1	11/21/2019	Notice of Rescheduling of Hearing	132 - 133
1	2/11/2020	Notice of Rescheduling of Hearing	230 - 231
1	1/26/2020	Notice of Withdrawal	214 - 223
4	5/4/2022	Notice of Withdrawal of Attorney	940 - 942
1	1/10/2020	Notice of Withdrawal of Attorney for Defendant	212 - 213

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	9/17/2019	Opposition and Countermotion	58 - 76
4	5/11/2022	Opposition to "Motion to Continue Evidentiary Hearing and Countermotion for the Court to Proceed with Allowing the Intervenor to Request Custody of the Minor Children or/ to Reinstate or Re-Open the Guardianship Case that was Previously Initiated by the Intervenor (Continued)	943 - 952
5	5/11/2022	Opposition to "Motion to Continue Evidentiary Hearing and Countermotion for the Court to Proceed with Allowing the Intervenor to Request Custody of the Minor Children or/ to Reinstate or Re-Open the Guardianship Case that was Previously Initiated by the Intervenor (Continuation)	953 - 977
5	5/12/2022	Opposition to "Motion to Continue Evidentiary Hearing and Countermotion for the Court to Proceed with Allowing the Intervenor to Request Custody of the Minor Children or/to Reinstate or Re-Open the Guardianship Case that was Previously Initiated by the Intervenor	1001 - 1035
4	1/19/2022	Opposition to Intervenor's Countermotion for an Order to Show Cause as to Why Plaintiff Should Not Be Held in Contempt of Court Pursuant to NRS 1.210(3), NRS 22.100, and NRS 22.110; for the Court to Find Plaintiff Guilty of Child Abduction; for Immediate Return of the Remaining Minor Child to Las Vegas, Nevada; for Attorneys Fee's and Costs; and Related Relief	779 - 861
1	10/24/2019	Order	116 - 122
4	1/26/2022	Order	885 - 888

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	2/5/2020	Order After Hearing	224 - 229
4	1/25/2022	Order After Hearing on January 20 and 21 2022	863 - 869
1	9/19/2019	Order for Family Mediation Center Services	113 - 113
1	4/15/2020	Order for Family Mediation Center Services	232 - 232
2	11/3/2020	Order for Family Mediation Center Services	326 - 326
4	1/20/2022	Order for Family Mediation Center Services	862 - 862
5	11/18/2022	Order for Paternity Testing	1101 - 1103
2	3/30/2021	Order for Return of Children	451 - 455
2	9/14/2020	Order from August 31, 2020 Hearing	308 - 312
2	9/14/2020	Order from August 5, 2020 Hearing	304 - 307
2	3/29/2021	Order from the from the February 24, 2021 Hearing	447 - 450
5	9/14/2022	Order from the June 16, 2022, Hearing	1071 - 1076
5	10/19/2022	Order Granting Withdrawal	1090 - 1093
1	9/9/2019	Order Setting Case Management Conference and Directing Compliance with NRCP 16.205	49 - 57
4	1/26/2022	Order Setting Evidentiary Hearing	880 - 884
3	11/19/2021	Order Shortening Time	538 - 540
4	3/24/2022	Order to Withdraw	896 - 898
5	5/31/2022	Plaintiff's Reply to Opposition to Motion to Continue Evidentiary Hearing and Opposition to Countermotion to Proceed with Allowing the Intervenor to Request Custody of the Minor Children or/to Reinstate or Re-Open the Guardianship	1045 - 1061

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		Case that was Previously Initiated by the Intervenor	
5	1/29/2023	Pretrial Memorandum	1109 - 1123
5	2/2/2023	Pretrial Memorandum	1132 - 1142
5	5/23/2022	Stipulation and Order to Continue June 8, 2022, Hearing	1036 - 1038
2	12/18/2020	Substitution of Counsel	443 - 446
3	1/5/2022	Substitution of Counsel	624 - 625
1	8/12/2019	Summons (Issued Only)	20 - 21
5	1/30/2023	Video Appearance Request	1124 - 1126

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing on (1) MOTION TO INTERVENE; (2) FOR AN ORDER TO PRODUCE THE CHILDREN, (3) SOLE LEGAL AND PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN; (4) FOR CHILD SUPPORT; (5) VISITATION FOR PLAINTIFF AND DEFENDANT; (6) FOR MEDICAL COVERAGE; (7) FOR CHILD SUPPORT AND ASSOCIATED CHILD REARING COSTS; OR IN THE ALTERNATIVE (8) FOR THIRD PARTY VISITATION; (9) FOR ATTORNEY'S FEES AND COSTS; AND, OTHER RELATED RELIEF. will be held before the Eighth Judicial District Court, at the Family Court Division, Department S, located at 601 North Pecos Road, Las Vegas, Nevada 89101.

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a Notice of Hearing upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's Notice of Hearing to you by traditional means.

DATED this 13th day of July, 2020.

BY /s/ Lynn Conant, Esq.

1 DAMIAN R. SHEETS, ESQ.
2 Nevada Bar No. 10755
3 LYNN CONANT, ESQ.
4 Nevada Bar No. 6605
5 NEVADA DEFENSE GROUP
6 711 S. Fourth St.
7 Las Vegas, Nevada 89101
8 (702) 598-1299
9 lconant@defendingnevada.com
10 Attorney for Intervener
11

12 **POINTS AND AUTHORITY**
13 **STATEMENT OF FACTS**
14

15 Tamika (Mom) and Christopher (Dad) have three (3) children, to wit:
16 Xy'shone Judson, born November 20, 2011; Xaia Judson, born August 13, 2015,
17 and Xionne Judson, born May 3, 2019.

18 The children have consistently and regularly lived with parental
19 grandmother, Kimberly (Kimberly). The children's parents have floated in and
20 out of their lives, visiting occasionally and rarely exercising their custodial rights.
21 While the children were living with Kimberly, she provided and paid, for all of
22 their needs, including school. She continues to pay for school now.

23 **Time line of children living with Plaintiff.**
24

25 **Date**

26 Winter 2011	Xy'shone	Tamika is pregnant with Xy'shone and 27 asks to move in with Kimberly
----------------	----------	--

1	March 2013		Everyone moves together to Las Vegas.
2			Mom, Dad, Kimberly & , Xy'shone
3	August 2013 to winter	Xy'shone	Xy'shone lived with Kimberly except
4	2015		for a six (6) week period when he lived
5			with parents.
6	August 13, 2015	Xaia born	Lives with parents
7	Winter 2015		Tamika picks up Xy'shone from
8			school; departs without notice to
9	July 2016		Michigan
10			Christopher arrested. Tamika,
11			Xy'Shone and Xaia move in with
12	June 19, 2017		Kimberly.
13			Christopher released from custody.
14			Immediately moves in with me; I
15			picked him up from the DOC; he lives
16			with me until moving in with Tamika
17	August 2017		later. Tamika took Xy'Shone to school
18			2 days and then told Kimberly that
19			catching the bus was too difficult.
20			Xy'Shone and Xaia stay with Kimberly
21			5 days a week for school.
22			Tamika moves into her own apartment.
23			Christopher moves in shortly after. He
24			lives there on/off. Tamika took
25			Xy'Shone to school 2 days and then
26			told Kimberly catching the bus was too
27			difficult. Xy'Shone and Xaia began to
28			stay with Kimberly 5 days a week for
	May 2018	Xionne born	school.
	August 2017 – April 2019		During the school week the children are
	April 2019 to July 2019		living with Kimberly
			Children with parents except occasional
			weekends; Xionne with great-
			grandmother while parents worked.

1	August 2019	Tamika demands that Christopher and the children leave her home.
2		
3	August 2019	Two weeks after ordering everyone out of her home, Tamkia calls the police and reports that Christopher kidnapped the children.
4		
5	October 2019	Christopher awarded primary custody during the week; Tamika is awarded weekends with the children.
6		
7		Christopher, Xy'Shone, Xaia and Xionne live with Kimberly..
8		
9	End of December 2019	Christopher moves in with Tamika and takes the children with him. Kimberly has visitation.
10		
11	October 2019	Christopher awarded primary physical custody during the week; Tamika is awarded weekends with the children.
12		
13	January 2020	Kimberly has visitation.
14	February 18, 2020	Kimberly's last visitation.
15		
16		

Both Mom and Dad have an extensive history of instability. Neither has been able to maintain employment for any length of time, they have moved repeatedly, experienced legal problems, and Dad recently tested positive with traces of cocaine and alcohol in his urine.

Pursuant to this Court's Order on April 15, 2020, the children were to remain in their current school. On information and belief and alleged thereon, it is believed that Mom has removed the children from school, and her location is currently unknown.

1 The only stability and consistency the three (3) children know is with
2 Kimberly's care. This Motion to Intervene for the reasons noted herein follows.

3 4 **LEGAL AUTHORITY**

5 **A. INTERVENTION**

6 7 **Rule 24. Intervention**

8 (a) **Intervention of Right.** On timely motion, the court must
9 permit anyone to intervene who:

10 (1) is given an unconditional right to intervene by a
11 state or federal statute; or

12 (2) claims an interest relating to the property or
13 transaction that is the subject of the action, and is so situated that
14 disposing of the action may as a practical matter impair or impede the
15 movant's ability to protect its interest, unless existing parties
16 adequately represent that interest.

17 (b) **Permissive Intervention.**

18 (1) In General. On timely motion, the court may
19 permit anyone to intervene who:

20 (A) is given a conditional right to intervene by a
21 state or federal statute; or

22 (B) has a claim or defense that shares with the
23 main action a common question of law or fact.

24 ...

25 **NRS 12.130 Intervention:** Right to intervention; procedure,
26 determination and costs; exception.

27 1. Except as otherwise provided in subsection 2:

28 (a) Before the trial, any person may intervene in an action or
proceeding, who has an interest in the matter in litigation, in the
success of either of the parties, or an interest against both.

(b) An intervention takes place when a third person is permitted
to become a party to an action or proceeding between other persons,
either by joining the plaintiff in claiming what is sought by the
complaint, or by uniting with the defendant in resisting the claims of
the plaintiff, or by demanding anything adversely to both the plaintiff
and the defendant.

1 (c) Intervention is made as provided by the Nevada Rules of
2 Civil Procedure.

3 (d) The court shall determine upon the intervention at the same
4 time that the action is decided. If the claim of the party intervening is
5 not sustained, the party intervening shall pay all costs incurred by the
6 intervention.

7 2. The provisions of this section do not apply to intervention in
8 an action or proceeding by the Legislature pursuant to NRS
9 218F.720.

10 [Part 1911 CPA § 64; RL § 5006; NCL § 8563] — (NRS A 2009,
11 1566)

12 NRCP 24(a) permits intervention into a case wherever there is a right
13 to intervene in a case granted by statute or when the intervener can claim an
14 interest in a particular transaction. Here, although the Intervener, Kimberly,
15 is not aware of any statute granting the unconditional right to intervene into
16 a custody matter, Interveners are among those that Court would recognize
17 as having a right to petition the Court for custody for an initial custody
18 determination.

19 NRS 125C.0035(3) defines the order of preference in which Custody
20 determinations are made, including:
21

- 22 1. Parents;
- 23 2. Any person with whom a child has lived, developed a strong bond
24 and who can provide the child with a wholesome environment in
25 which to be raised;
- 26 3. A relative within the fifth degree of consanguinity; or
- 27 4. Any other person that the Court finds suitable.

28 B. Permissive Intervention

1 Even if the Court is not convinced that the Intervener qualifies as a someone
2 endowed with a right to intervention under the facts of this case, NRCP(b)(2)
3 grants the Court the power to permit intervention into any case whenever the
4 applicant's claim or defense and the main action have a question of law or fact in
5 common. In such cases, the Court may permit intervention if such intervention
6 will not unduly delay or prejudice the adjudication of the original parties' rights.
7

8
9 Here, Kimberly's claim mirrors those of Mom and Dad. Kimberly claims
10 that Custody needs to be established over the children to protect the children and
11 their interests.
12

13 This is the same claim that the parents purport to have. Moreover, the
14 Court's granting Kimberly permission to intervene will not unduly delay or
15 prejudice the adjudication of the rights of the original parties, in that no Order of
16 Custody has yet been granted. What is at stake here is an initial determination of
17 Custody based on the parental unfitness of Mom and Dad. The Court is well
18 within its rights to grant Kimberly's Motion to Intervene in this case so that the
19 children and their best interests can be protected. Accordingly, the Intervener,
20 Kimberly White, requests that the Court grant her Motion to Intervene pursuant to
21 NRCP 24.
22
23
24
25

26 **C. MOM AND/OR DAD SHOULD BE ORDERED TO APPEAR AND**
27 **PRODUCE THE CHILDREN.**
28

1 **NRS 125A.395 Appearance of parties and child.**

2 1. In a child custody proceeding in this state, the court may
3 order a party to the proceeding who is in this state to appear before
4 the court in person with or without the child. The court may order
5 any person who is in this state and who has physical custody or
6 control of the child to appear in person with the child.

7 2. If a party to a child custody proceeding whose presence is
8 desired by the court is outside this state, the court may order that a
9 notice given pursuant to NRS 125A.255 include a statement directing
10 the party to appear in person with or without the child and informing
11 the party that failure to appear may result in a decision adverse to the
12 party.

13 3. The court may enter any orders necessary to ensure the safety
14 of the child and of any person ordered to appear pursuant to this
15 section.

16 4. If a party to a child custody proceeding who is outside this
17 state is directed to appear pursuant to subsection 2 or desires to
18 appear personally before the court with or without the child, the court
19 may require another party to pay reasonable and necessary travel and
20 other expenses of the party so appearing and of the child.

21 (Added to NRS by 2003, 999)

22 On information and belief, and alleged thereon, Mom may have left this
23 jurisdiction before Orders were entered. Kimberly therefore, respectfully requests,
24 if this is true, that she is granted a “pick up” order to return the children to her
25 local custody and care in Nevada.

26 **CUSTODY OF THE MINOR CHILDREN**

27 **1. There is legal presumption that Mom or Dad’s Physical Custody of**
28 **the children is not in their best interests.**

 NRS 125C.003 Best interests of child: Primary physical
custody; presumptions; child born out of wedlock.

1 1. A court may award primary physical custody to a parent if
2 the court determines that joint physical custody is not in the best
3 interest of a child. An award of joint physical custody is presumed
4 not to be in the best interest of the child if:

5 (a) The court determines by substantial evidence that a parent is
6 unable to adequately care for a minor child for at least 146 days of
7 the year;

8 (b) A child is born out of wedlock and the provisions of
9 subsection 2 are applicable; or

10 (c) Except as otherwise provided in subsection 6 of NRS
11 125C.0035 or NRS 125C.210, there has been a determination by the
12 court after an evidentiary hearing and finding by clear and
13 convincing evidence that a parent has engaged in one or more acts of
14 domestic violence against the child, a parent of the child or any other
15 person residing with the child. The presumption created by this
16 paragraph is a rebuttable presumption.

17 2. A court may award primary physical custody of a child born
18 out of wedlock to:

19 (a) The mother of the child if:

20 (1) The mother has not married the father of the child;

21 (2) A judgment or order of a court, or a judgment or order
22 entered pursuant to an expedited process, determining the paternity of
23 the child has not been entered; and

24 (3) The father of the child:

25 (I) Is not subject to any presumption of paternity under
26 NRS 126.051;

27 (II) Has never acknowledged paternity pursuant to NRS
28 126.053; or

 (III) Has had actual knowledge of his paternity but has
abandoned the child.

 (b) The father of the child if:

 (1) The mother has abandoned the child; and

 (2) The father has provided sole care and custody of the
child in her absence.

 3. As used in this section:

 (a) "Abandoned" means that a mother or father has:

 (1) Failed, for a continuous period of not less than 6 months,
to provide substantial personal and economic support to the child; or

1 (2) Knowingly declined, for a continuous period of not less
2 than 6 months, to have any meaningful relationship with the child.

3 (b) "Expedited process" has the meaning ascribed to it in NRS
4 126.161.

5 (Added to NRS by 2015, 2582)

6 **NRS 125C.0035 Best interests of child:** Joint physical
7 custody; preferences; presumptions when court determines parent or
8 person seeking custody is perpetrator of domestic violence or has
9 committed act of abduction against child or any other child.

10 1. In any action for determining physical custody of a minor
11 child, the sole consideration of the court is the best interest of the
12 child. If it appears to the court that joint physical custody would be in
13 the best interest of the child, the court may grant physical custody to
14 the parties jointly.

15 2. Preference must not be given to either parent for the sole
16 reason that the parent is the mother or the father of the child.

17 3. The court shall award physical custody in the following order
18 of preference unless in a particular case the best interest of the child
19 requires otherwise:

20 (a) To both parents jointly pursuant to NRS 125C.0025 or to either
21 parent pursuant to NRS 125C.003. If the court does not enter an order
22 awarding joint physical custody of a child after either parent has
23 applied for joint physical custody, the court shall state in its decision
24 the reason for its denial of the parent's application.

25 (b) To a person or persons in whose home the child has been
26 living and where the child has had a wholesome and stable
27 environment.

28 (c) To any person related within the fifth degree of consanguinity
to the child whom the court finds suitable and able to provide proper
care and guidance for the child, regardless of whether the relative
resides within this State.

(d) To any other person or persons whom the court finds suitable
and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall
consider and set forth its specific findings concerning, among other
things:

1 (a) The wishes of the child if the child is of sufficient age and
2 capacity to form an intelligent preference as to his or her physical
3 custody.

4 (b) Any nomination of a guardian for the child by a parent.

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

8 (d) The level of conflict between the parents.

9 (e) The ability of the parents to cooperate to meet the needs of the
10 child.

11 (f) The mental and physical health of the parents.

12 (g) The physical, developmental and emotional needs of the child.

13 (h) The nature of the relationship of the child with each parent.

14 (i) The ability of the child to maintain a relationship with any
15 sibling.

16 (j) Any history of parental abuse or neglect of the child or a
17 sibling of the child.

18 (k) Whether either parent or any other person seeking physical
19 custody has engaged in an act of domestic violence against the child, a
20 parent of the child or any other person residing with the child.

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

24 5. Except as otherwise provided in subsection 6 or NRS
25 125C.210, a determination by the court after an evidentiary hearing
26 and finding by clear and convincing evidence that either parent or any
27 other person seeking physical custody has engaged in one or more acts
28 of domestic violence against the child, a parent of the child or any
other person residing with the child creates a rebuttable presumption
that sole or joint physical custody of the child by the perpetrator of the
domestic violence is not in the best interest of the child. Upon making
such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or
more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by
the court adequately protects the child and the parent or other victim of
domestic violence who resided with the child.

1 6. If after an evidentiary hearing held pursuant to subsection 5
2 the court determines that each party has engaged in acts of domestic
3 violence, it shall, if possible, then determine which person was the
4 primary physical aggressor. In determining which party was the
5 primary physical aggressor for the purposes of this section, the court
6 shall consider:

7 (a) All prior acts of domestic violence involving either party;

8 (b) The relative severity of the injuries, if any, inflicted upon the
9 persons involved in those prior acts of domestic violence;

10 (c) The likelihood of future injury;

11 (d) Whether, during the prior acts, one of the parties acted in self-
12 defense; and

13 (e) Any other factors which the court deems relevant to the
14 determination.

15 In such a case, if it is not possible for the court to determine which
16 party is the primary physical aggressor, the presumption created
17 pursuant to subsection 5 applies to both parties. If it is possible for the
18 court to determine which party is the primary physical aggressor, the
19 presumption created pursuant to subsection 5 applies only to the party
20 determined by the court to be the primary physical aggressor.

21 7. A determination by the court after an evidentiary hearing and
22 finding by clear and convincing evidence that either parent or any
23 other person seeking physical custody has committed any act of
24 abduction against the child or any other child creates a rebuttable
25 presumption that sole or joint physical custody or unsupervised
26 visitation of the child by the perpetrator of the abduction is not in the
27 best interest of the child. If the parent or other person seeking physical
28 custody does not rebut the presumption, the court shall not enter an
order for sole or joint physical custody or unsupervised visitation of
the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or
more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by
the court adequately protects the child and the parent or other person
from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts
constitute conclusive evidence that an act of abduction occurred:

1 (a) A conviction of the defendant of any violation of NRS 200.310
2 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that
3 prohibits the same or similar conduct;

4 (b) A plea of guilty or nolo contendere by the defendant to any
5 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of
6 any other jurisdiction that prohibits the same or similar conduct; or

7 (c) An admission by the defendant to the court of the facts
8 contained in the charging document alleging a violation of NRS
9 200.310 to 200.340, inclusive, or 200.359 or a law of any other
10 jurisdiction that prohibits the same or similar conduct.

11 9. If, after a court enters a final order concerning physical
12 custody of the child, a magistrate determines there is probable cause to
13 believe that an act of abduction has been committed against the child
14 or any other child and that a person who has been awarded sole or
15 joint physical custody or unsupervised visitation of the child has
16 committed the act, the court shall, upon a motion to modify the order
17 concerning physical custody, reconsider the previous order concerning
18 physical custody pursuant to subsections 7 and 8.

19 10. As used in this section:

20 (a) "Abduction" means the commission of an act described in
21 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other
22 jurisdiction that prohibits the same or similar conduct.

23 (b) "Domestic violence" means the commission of any act
24 described in NRS 33.018.

25 (Added to NRS by 2015, 2583)

26 This Court is empowered to enter Temporary Orders affecting the custody
27 of the children. Although pursuant to NRS 125C.0035, there is a legal
28 presumption that Joint physical custody is not in the child's best interests if a
parent has engaged in activities deemed detrimental to the children's safety and
welfare. Those factors include:

Kimberly has always kept the well-being and best interest of the children as
her sole focus. She has helped Mom and Dad, time and time again, in anyway

1 needed so they could provide for the children. Mom and Dad had an open door to
2 live with Kimberly at any time. Kimberly encouraged Mom to get a college
3 degree and helped her register at CSN, and with any assignment she needed help
4 with. Kimberly would go so far as to find Mom employment to help her could put
5 money away to get her own place and a car. When Dad was incarcerated,
6 Kimberly spoke to him almost daily, provided gifts and anything that she thought
7 would keep his spirits up through that ordeal. Kimberly has helped buy Dad him
8 cars so he could work and become financially independent. She assisted in
9 providing financial support while he pursued his education in trade school.
10 Financially, any time they've asked for assistance with everyday bills, school, rent,
11 and many other things, Kimberly assisted. Kimberly viewed these efforts, helping
12 Mom and Dad to become independent and to have solid careers as a way to make
13 them stronger parents so they could do right by their children. Regrettably,
14 Kimberly's efforts were often not appreciated by Mom and Dad.

20 Mom has a documented history of being unable to care for the three (3)
21 children. For months, to years, at a time, Mom has been dependent on Kimberly
22 for food, shelter, and basic necessities. When Mom was first pregnant, she fled to
23 Kimberly's home because her own lacked heat.

26 Both Dad and Mom are highly dependent on Kimberly to provide for their
27 children – not just food, shelter and clothing, but critically important, stability. A
28

1 review of the number of times that Mom and Dad have moved, leaving the
2 children with Kimberly, is well documented. Mom and Dad are unable to provide
3 for the children's basis needs.
4

5 NRS 125C.003(3) defines the term "abandonment" as having failed over a
6 period of not less than six (6) months to provide substantial personal and
7 economic support to a child or failing to have a meaningful relationship with the
8 children. Again, a review of the parties' timeshare shows that both Mom and Dad
9 have abandoned their children to Kimberly.
10
11

12 The Court is required to examine Mom and Dad's past actions; determine
13 the scope of their previous involvement with the children. As mentioned *supra*,
14 both Mom and Dad have left the children in Kimberly's care. Dad was
15 incarcerated at one time, and Mom left without notice or good reason.
16
17

18 **2. JOINT PHYSICAL CUSTODY IS NOT IN THE CHILDREN'S** 19 **BEST INTERESTS.**

20 In the unlikely event that the Court finds that NRS 125C.003 is inapplicable
21 in this case, before making a Custody determination, pursuant to NRS 125C.0035,
22 the Court must first do a best interests analysis to determine if Joint Physical
23 Custody is in the Child's best interests, which includes an analysis of the
24 following factors:
25
26
27
28

1 (4.) In determining the best interest of the child, the Court shall consider and
2 set forth its specific findings concerning, among other things:

3
4 (a) The wishes of the child if the child is of sufficient age and capacity to
5 form an intelligent preference as to his or her physical custody.

6 **Not applicable. The children are too young to form a preference.**

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

9
10 **Kimberly, as the paternal grandmother nominates herself as the**
11 **children's primary physical custodian.**

12 (c) Which parent is more likely to allow the child to have frequent
13 associations and a continuing relationship with the noncustodial parent.

14 **Kimberly, as the paternal grandmother, has no interest in keeping the**
15 **children from either parent. However, she is the only person who has**
16 **consistently been available for the children and provided for their best**
17 **interests.**

18 (d) The level of conflict between the parents.

19
20 **The level of conflict between all parties is currently high.**

21 (e) The ability of the parents to cooperate to meet the needs of the child.

22
23 **Both Mom and Dad have failed to cooperate to meet the needs of the**
24 **children. Again, a review of the custodial timeshare documents that**
25 **Kimberly is the person who has consistently present in the children's lives.**
She provides food, shelter, clothing, education and also, a home.

26 (f) The mental and physical health of the parents.
27
28

1 **Kimberly has no mental or physical infirmities that preclude her from**
2 **being the children's primary physical custodian. In fact, Kimberly is a**
3 **Registered Nurse, has her Bachelor's and Masters of Science in Nursing, is**
4 **recognized as a Nurse Practitioner and has a Doctors of Nurse Practice.**
5 **Kimberly's education and time share with the children document that she is**
6 **well able to care for three growing children.**

7 (g) The physical, developmental and emotional needs of the child.

8 **Kimberly has demonstrated her ability to provide for the needs of the**
9 **children, both emotionally and financially. Kimberly is not an absentee**
10 **parent; Mom and Dad are the ones who have not met the needs of their**
11 **children.**

12 (h) The nature of the relationship of the child with each parent.

13 **The children are bonded with Mom, Dad and Kimberly.**

14 (i) The ability of the child to maintain a relationship with any sibling.

15 **The children will maintain their relationship with one another**
16 **in Kimberly's care.**

17 (j) Any history of parental abuse or neglect of the child or a sibling of the
18 child.

19 **Tamika accused Christopher of abusing Xy'Shonne; CPS investigated**
20 **and was unsubstantiated.**

21 (k) Whether either parent or any other person seeking physical custody has
22 engaged in an act of domestic violence against the child, a parent of the child or
23 any other person residing with the child.

24 **Tamika was arrested for fighting with her sister when she removed the**
25 **kids to Michigan.**

26 (l) Whether either parent or any other person seeking physical custody has
27 committed any act of abduction against the child or any other child.
28

1
2 **On information and belief, Mom has left the jurisdiction. A “pick up”**
3 **order may be needed.**

4
5 **VISITATION**

6 **MOM AND DAD SHOULD HAVE VISITATION OF THE**
7 **CHILDREN**

8 NRS 125C.010 Order awarding visitation rights must define rights
9 with particularity and specify habitual residence of child.

10 1. Any order awarding a party a right of visitation of a minor
11 child must:

12 (a) Define that right with sufficient particularity to ensure
13 that the rights of the parties can be properly enforced and that the best
14 interest of the child is achieved; and

15 (b) Specify that the State of Nevada or the state where the
16 child resides within the United States of America is the habitual
17 residence of the child.

18 The order must include all specific times and other terms of the right
19 of visitation.

20 2. As used in this section, “sufficient particularity” means a
21 statement of the rights in absolute terms and not by the use of the
22 term “reasonable” or other similar term which is susceptible to
23 different interpretations by the parties.

24 (Added to NRS by 1993, 2137; A 1995, 1493, 2289)

25 Kimberly respectfully requests that the Court grant Mom and Dad
26 visitation. Kimberly is not trying to cut Mom and Dad out of the children’s
27 lives. She wants their involvement as two parents will help enrich the
28 children’s lives. Unfortunately, both Parents have records of instability.

GRANDPARENT VISITATION

NRS 125C.050 states in relevant part:

...

2. If the child has resided with a person with whom the child has established a meaningful relationship, the district court in the county in which the child resides may also grant to that person a reasonable right to visit the child during the child's minority, regardless of whether the person is related to the child.

• • •

While Kimberly argues she is best positioned for custody of the minor child, in the unlikely event the this Court grants visitation to the Parents, Kimberly respectfully requests that the Court grant her liberal visitation with the children. It certainly will not be in the children's best interests to summarily remove Kimberly from their lives. Accordingly, Kimberly would accept visitation with the children as an alternative to Primary Custody.

CHILD SUPPORT.

Once Kimberly is granted primary physical custody of the parties' three (3) children, she respectfully requests child support pursuant to NAC 425. NAC 425.037 would necessarily require both parents to pay support

MEDICAL COVERAGE

NRS 125B.085 Order for support to include provision regarding medical support for child. [Effective until the effective date of the regulations adopted by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services establishing the guidelines in this State for the support of one or more children pursuant to NRS 425.620.]

1 1. Except as otherwise provided in NRS 125B.012, every court
2 order for the support of a child issued or modified in this State on or
3 after June 2, 2007, must include a provision specifying that one or
4 both parents are required to provide medical support for the child and
any details relating to that requirement.

5 2. As used in this section, "medical support" includes, without
6 limitation, coverage for health care under a plan of insurance that is
7 reasonable in cost and accessible, including, without limitation, the
8 payment of any premium, copayment or deductible and the payment
9 of medical expenses. For the purpose of this subsection:

10 (a) Payments of cash for medical support or the costs of coverage
11 for health care under a plan of insurance are "reasonable in cost" if:

12 (1) In the case of payments of cash for medical support, the
13 cost to each parent who is responsible for providing medical support
14 is not more than 5 percent of the gross monthly income of the parent;
15 or

16 (2) In the case of the costs of coverage for health care under
17 a plan of insurance, the cost of adding a dependent child to any
18 existing coverage for health care or the difference between individual
19 and family coverage, whichever is less, is not more than 5 percent of
20 the gross monthly income of the parent.

21 (b) Coverage for health care under a plan of insurance is
22 "accessible" if the plan:

23 (1) Is not limited to coverage within a geographical area; or

24 (2) Is limited to coverage within a geographical area and the
25 child resides within that geographical area.

26 (Added to NRS by 1997, 2294; A 2007, 1229; 2009, 956; R 2017,
27 2292, effective on the effective date of the regulations adopted by the
28 Administrator of the Division of Welfare and Supportive Services of
the Department of Health and Human Services establishing the
guidelines in this State for the support of one or more children
pursuant to NRS 425.620)

Kimberly will provide medical, dental, optical, orthodontic insurance
coverage for the minor children. Mom and Dad should be equally
responsible for the premium costs, deductibles, prescriptions, and

1 medication maintenance insurance incurred on behalf of the children. Said
2 coverage shall continue until the children, respectively (1) become
3 emancipated or (2) attain the age of eighteen years, the age of majority,
4 unless the children are attending secondary education when the children
5 reach eighteen years of age, in which event said medical insurance shall
6 continue until the children graduate from high school or attain the age of
7 nineteen (19) years, whichever event occurs first, with Mom and Dad
8 equally dividing the cost of any unreimbursed medical expenses on behalf
9 of the children, utilizing the 30/30 rule.
10
11
12
13
14

15 **ATTORNEYS' FEES AND COSTS.**

16 **KIMBERLY IS ENTITLED TO ATTORNEY'S FEES PURSUANT**
17 **TO NRS 125C.250.**
18

19 NRS 125C.250 Attorney's fees and costs. Except as otherwise
20 provided in NRS 125C.0689, in an action to determine legal custody,
21 physical custody or visitation n with respect to a child, the court
22 may order reasonable fees of counsel and experts and other costs of
23 the proceeding to be paid in proportions and at times determined by
the court.

24 (Added to NRS by 2013, 2956)

25 NRS 125C.250 permits the Court to enter an award of Attorney's
26 Fees and Costs in any case concerning the custody and visitation of a child.
27
28

1 The Court may order any party to pay all or some of the Party's attorney's
2 fees with the amount awarded to be at the Court's discretion. Should Mom
3 and Dad oppose the reasonable requests for relief contained in this Motion,
4 Kimberly would request that the Court assesses Mom and Dad 100% of her
5 legal fees.
6
7

8 NRS 18.010 Award of attorney's fees.

9 . . .

10 2. In addition to the cases where an allowance is authorized by
11 specific statute, the court may make an allowance of attorney's fees
12 to a prevailing party:

13 . . .

14 (b) Without regard to the recovery sought, when the court finds
15 that the claim, counterclaim, cross-claim or third-party complaint or
16 defense of the opposing party was brought or maintained without
17 reasonable ground or to harass the prevailing party. The court shall
18 liberally construe the provisions of this paragraph in favor of
19 awarding attorney's fees in all appropriate situations. It is the intent
20 of the Legislature that the court award attorney's fees pursuant to this
21 paragraph and impose sanctions pursuant to Rule 11 of the Nevada
22 Rules of Civil Procedure in all appropriate situations to punish for
23 and deter frivolous or vexatious claims and defenses because such
24 claims and defenses overburden limited judicial resources, hinder the
25 timely resolution of meritorious claims and increase the costs of
26 engaging in business and providing professional services to the
27 public.
28

23 The general provision for fees, NRS 18.010, provides the statutory
24 guidance for what type of findings would support an award of attorney's
25 fees. The enumerated requirement, including filings, made "without
26 reasonable ground or to harass the prevailing party." Although district
27
28

1 courts “shall liberally construe” the provisions of the statute in awarding
2 fees, the rule has been sharpened to target those acting without a valid basis
3 or whose sole purpose is to harass. Should Mom or Dad oppose Kimberly’s
4 Motion, they should be ordered to pay all of her attorney’s fees and costs.
5 Accordingly, Kimberly hereby requests that the Court award her full
6 attorney’s fees if Mom or Dad opposes the instant Motion so that they
7 understand the seriousness of their actions and think twice before acting
8 similarly.
9

10 *BRUNZELL FACTORS*

11
12 In *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31
13 (1969), the Court enumerated factors that the District Court should consider
14 in awarding attorneys’ fees, with no single individual factor controlling, as
15 follows:
16

17 (1) The advocate’s qualities, including ability, training,
18 education, experience, professional standing, and skill;

19 (2) The character of the work, including its difficulty,
20 intricacy, importance, as well as the time and skill required, the
21 responsibility imposed, and the prominence and character of the
22 parties when affecting the importance of the litigation;

23 (3) The work performed, including the skill, time, and
24 attention given to the work; and

25 (4) The result – whether the attorney was successful and
26 what benefits were derived.
27
28

1 Kimberly as satisfied the *Brunzell* factors. Kimberly's counsel are
2 attorneys duly licensed to practice law in Nevada. Both Mr. Sheets and Ms.
3 Conant are qualified and have considerable experience, ability, and training
4 in the field of Family Law litigation. Mr. Sheets and Ms. Conant have a
5 combined thirty-five (35) years of experience practicing law.
6
7

8 Mr. Sheets was licensed in 2007 and Ms. Conant in 2002. Both
9 lawyers have practiced primarily in criminal and family law. The litigation
10 was necessary due to the parent's instability and their inability to properly
11 care for their children. It is the responsibility of Kimberly's counsel to assist
12 her in this endeavor to ensure that Kimberly's voice is heard for the
13 children's best interest. Based on the foregoing, it is not only fair, but also
14 reasonable under the circumstances that Mom and Dad be fully responsible
15 for Kimberly's reasonable attorneys' fees and costs, the sum to be
16 determined pursuant to a Memorandum of Fees and Costs filed at the
17 conclusion of this case pursuant to NRS 18.010, NRS 125B.140(c)(2)(1),
18 NRS 125B.0952, EDCR 7.60, NRCP 54(d), and *Brunzell*. Kimberly further
19 requests that her attorneys' fees be awarded and reduced to judgment,
20 collectable by any legal means
21
22
23
24
25

26 WHEREFORE, Intervenor and Paternal Grandmother, KIMBERLY
27 WHITE, hereby asks this Honorable Court to enter its Orders:
28

1 1. For an Order permitting the Intervention of Kimberly White,
2 the Paternal Grandmother into this case;

3
4 2. For an Order that the children are produced before this Court
5 and returned to Nevada if they were removed. Alternatively, granting
6 Kimberly a “Pick Up” order to return the children to Clark County and to
7 her custody and care;

8
9 3. For an Order pursuant to NRS 125C.0035, granting the
10 Intervenor’s request for Legal and primary custody of the minor children;

11
12 4. For an Order awarding Plaintiff and Defendant visitation;

13
14 5. An Alternative Order for Third Party Visitation;

15 6. For an Order awarding Intervenor Child Support pursuant to
16 NAC 425, payable by both the Mother and Father;

17
18 7. For an Order for medical coverage on behalf of the minor
19 children;

20 8. For an Order awarding Intervenor cost associated with school;

21 9. For an Order awarding Intervenor’s full attorneys’ fees and
22 costs associated with the filing of the instant motion;

23
24 10. For an Order granting Intervenor any further relief this Court
25 deems just and proper.

26
27 DATED this 13th day of July, 2020.
28

1
2 /s/ Lynn Conant, Esq.
3 DAMIAN R. SHEETS, ESQ.
4 Nevada Bar No. 10755
5 LYNN CONANT, Esq.
6 Nevada Bar No. 8036
7 NEVADA DEFENSE GROUP
8 714 South 4th Street
9 Las Vegas, Nevada 89101
10 (702) 988-2600
11 lconant@defendingnevada.com
12 Attorneys for Grandmother

13
14
15 **VERIFICATION**

16 I, KIMBERLY WHITE, under penalties of perjury in accordance with the laws
17 of the State of Nevada, declare and state:

- 18 1. That I am the Intervenor and Paternal Grandmother in the above-entitled
19 action; and,
20
21 2. That I have read the document entitled: MOTION TO INTERVENE and
22 know the contents thereof; that the factual averments contained therein are
23 true and correct to the best of my knowledge, except for those matters
24 therein stated upon information and belief, and as to those matters as I
25 believe them to be true. I am competent and willing to testify in a court of
26 law as to the facts stated in said document. Those factual averments
27 contained in said document are incorporated herein as if set forth in full.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Dated this 13th day of July, 2020.

/s/ Kimberly White
KIMBERLY WIHTE



Lynn Conant <lconant@defendingnevada.com>

Re: Attestation

1 message

Kimberley W <kwhite_writer@hotmail.com>
To: Lynn Conant <lconant@defendingnevada.com>

Thu, Jul 9, 2020 at 8:16 PM

I am the Paternal Grandmother and Intervenor in the case of Jones v. Judson. I have read the Motion to Intervent and know the contents thereof; the same is true of my own knowledge, except as to those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true. I authorize my counsel, Lynn Conant, Esq., and/or Lesley E. Cohen, Esq., to electronically sign the Motion to Intervene on my behalf.

Kimberly White

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Kimberly White

Intervenor

v.

Tamika Jones, Plaintiff AND

Christopher Judson, Defendant

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

\$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

-OR-

XX \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

XX The Motion/Opposition is being filed before a Divorce Custody Decree has been entered.

The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

Other Excluded Motion (must specify) _____.

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

XX \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

XX The Motion/Opposition is being filed in a case that was not initiated by joint petition. The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-OR-

\$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

\$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

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

~~XX \$0~~ \$25 \$57 \$82 \$129 \$154

Party filing Motion/Opposition: Lynn Conant, Esq., # 8036 Date 7/13/2020

Signature of Party or Preparer





DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Grandmother

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

TAMIKA JONES,	)	CASE NO.: D-19-594473-C
	)	DEPT.: S
Plaintiff)	
vs.)	
CHRISTOPHER JUDSON,)	
)	
Defendant.)	

NOTICE OF HEARING

Please be advised that the (1) Motion To Intervene; (2) For An Order To Produce The Children, (3) Sole Legal And Primary Physical Custody Of The Minor Children; (4) For Child Support; (5) Visitation For Plaintiff And Defendant; (6) For Medical Coverage; (7) For Child Support And Associated Child Rearing Costs; Or In The Alternative (8) For Third Party Visitation; (9) For Attorney's Fees And Costs; And, Other Related Relief in the above-entitled matter

///

1 is set for hearing as follows:

2 Date: August 5, 2020

3 Time: 10:00 AM

4 Location: Courtroom 7

5 Family Courts and Services Center

6 601 N. Pecos Road

7 Las Vegas, NV 89101

8 NOTE: Under NEFCR 9(d), if a party is not receiving electronic service
9 through the Eighth Judicial District Court Electronic Filing System, the movant
10 requesting a hearing must serve this notice on the party by traditional means.

11
12 **CERTIFICATE OF SERVICE**

13 I, HEREBY CERTIFY that on the 15th day of July, 2020, I caused to be
14 served, the foregoing Notice of Hearing, to all interested parties as follows:

15 X By mail: Pursuant to NRCP 5(b), caused a true copy thereof to be placed in
16 the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon,
17 addressed as set forth below:

18 By ELECTRONIC MAIL: Pursuant to EDCR 7.26 and N.E.F.C.R Rule 9, I
19 caused a true copy thereof to be served by electronic mail, via Odyssey eFile NV,
20 to the following email address(es):

21 Christopher Charles Judson
22 8447 Sequoia Grove Ave.
23 Las Vegas, NV 89149

Tamika Beatrice Jones
730 E Craig Rd., Apt. 2088, Bldg.15
Las Vegas, NV 89115

24
25 /s/ Lynn Conant
26 An Employee Of Nevada
27 Defense Group
28



DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Grandmother

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

TAMIKA JONES,	)	CASE NO.: D-19-594473-C
	)	DEPT.: S
Plaintiff)	
vs.)	
CHRISTOPHER JUDSON,)	
)	
Defendant.)	

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

(1) MOTION TO INTERVENE; (2) FOR AN ORDER TO PRODUCE THE CHILDREN, (3) SOLE LEGAL AND PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN; (4) FOR CHILD SUPPORT; (5) VISITATION FOR PLAINTIFF AND DEFENDANT; (6) FOR MEDICAL COVERAGE; (7) FOR CHILD SUPPORT AND ASSOCIATED CHILD REARING COSTS; OR IN THE ALTERNATIVE (8) FOR THIRD PARTY VISITATION; (9) FOR ATTORNEY'S FEES AND COSTS; AND, OTHER RELATED RELIEF.

1
2 COMES NOW Intervener, and maternal grandmother, KIMBERLY
3 WHITE ("Kimberly"), by and through her attorneys, DAMIAN R. SHEETS,
4 ESQ., and LYNN CONANT, ESQ., of the law firm of NEVADA DEFENSE
5 GROUP, and (1) **MOTION TO INTERVENE; (2) FOR AN ORDER TO**
6 **PRODUCE THE CHILDREN, (3) SOLE LEGAL AND PRIMARY**
7 **PHYSICAL CUSTODY OF THE MINOR CHILDREN; (4) FOR CHILD**
8 **SUPPORT; (5) VISITATION FOR PLAINTIFF AND DEFENDANT; (6)**
9 **FOR MEDICAL COVERAGE; (7) FOR CHILD SUPPORT AND**
10 **ASSOCIATED CHILD REARING COSTS; OR IN THE ALTERNATIVE**
11 **(8) FOR THIRD PARTY VISITATION; (9) FOR ATTORNEY'S FEES AND**
12 **COSTS; AND, OTHER RELATED RELIEF,** and hereby moves this Court for
13 the following relief:
14
15
16
17

18 1. For an Order permitting the Intervention of Kimberly White, the
19 Paternal Grandmother into this case;
20

21 2. For an Order that the children are produced;
22

23 3. For an Order pursuant to NRS 125C.0035, granting the Intervenor's
24 request for Legal and primary custody of the minor children;
25

26 4. For an Order awarding Plaintiff and Defendant visitation;
27

28 5. An Alternative Order for Third Party Visitation;

- 1 6. For an Order awarding Intervenor Child Support pursuant to NAC 425;
2
3 7. For an Order for medical coverage on behalf of the minor children;
4
5 8. For an Order awarding Intervenor cost associated with school;
6
7 9. For an Order awarding Intervenor's full attorneys' fees and costs
8 associated with the filing of the instant motion;
9
10 10. For an Order granting Intervenor any further relief this Court deems just
11 and proper.

12 This Motion is based upon the following Memorandum of Points and
13 Authorities, papers and pleadings on file herein, the attached Affidavit of
14 Intervenor, and any permitted by this Court at the time of Hearing.

15 DATED this 13th day of July, 2020.
16

17
18 /s/ Lynn Conant, Esq.
19 _____

20 DAMIAN R. SHEETS, ESQ.

21 Nevada Bar No. 10755

22 LYNN CONANT, Esq.

23 Nevada Bar No. 8036

24 NEVADA DEFENSE GROUP

25 714 South 4th Street

26 Las Vegas, Nevada 89101

27 (702) 988-2600

28 lconant@defendingnevada.com

Attorneys for Grandmother

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing on (1) MOTION TO INTERVENE; (2) FOR AN ORDER TO PRODUCE THE CHILDREN, (3) SOLE LEGAL AND PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN; (4) FOR CHILD SUPPORT; (5) VISITATION FOR PLAINTIFF AND DEFENDANT; (6) FOR MEDICAL COVERAGE; (7) FOR CHILD SUPPORT AND ASSOCIATED CHILD REARING COSTS; OR IN THE ALTERNATIVE (8) FOR THIRD PARTY VISITATION; (9) FOR ATTORNEY'S FEES AND COSTS; AND, OTHER RELATED RELIEF. will be held before the Eighth Judicial District Court, at the Family Court Division, Department S, located at 601 North Pecos Road, Las Vegas, Nevada 89101.

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a Notice of Hearing upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's Notice of Hearing to you by traditional means.

DATED this 13th day of July, 2020.

BY /s/ Lynn Conant, Esq.

1 DAMIAN R. SHEETS, ESQ.
2 Nevada Bar No. 10755
3 LYNN CONANT, ESQ.
4 Nevada Bar No. 6605
5 NEVADA DEFENSE GROUP
6 711 S. Fourth St.
7 Las Vegas, Nevada 89101
8 (702) 598-1299
9 lconant@defendingnevada.com
10 Attorney for Intervener
11

12 **POINTS AND AUTHORITY**
13 **STATEMENT OF FACTS**
14

15 Tamika (Mom) and Christopher (Dad) have three (3) children, to wit:
16 Xy'shone Judson, born November 20, 2011; Xaia Judson, born August 13, 2015,
17 and Xionne Judson, born May 3, 2019.

18 The children have consistently and regularly lived with parental
19 grandmother, Kimberly (Kimberly). The children's parents have floated in and
20 out of their lives, visiting occasionally and rarely exercising their custodial rights.
21 While the children were living with Kimberly, she provided and paid, for all of
22 their needs, including school. She continues to pay for school now.

23 **Time line of children living with Plaintiff.**
24

25 **Date**

26 Winter 2011	Xy'shone	Tamika is pregnant with Xy'shone and 27 asks to move in with Kimberly
----------------	----------	--

1	March 2013		Everyone moves together to Las Vegas.
2			Mom, Dad, Kimberly & , Xy'shone
3	August 2013 to winter	Xy'shone	Xy'shone lived with Kimberly except
4	2015		for a six (6) week period when he lived
5			with parents.
6	August 13, 2015	Xaia born	Lives with parents
7	Winter 2015		Tamika picks up Xy'shone from
8			school; departs without notice to
9	July 2016		Michigan
10			Christopher arrested. Tamika,
11			Xy'Shone and Xaia move in with
12	June 19, 2017		Kimberly.
13			Christopher released from custody.
14			Immediately moves in with me; I
15			picked him up from the DOC; he lives
16			with me until moving in with Tamika
17	August 2017		later. Tamika took Xy'Shone to school
18			2 days and then told Kimberly that
19			catching the bus was too difficult.
20			Xy'Shone and Xaia stay with Kimberly
21			5 days a week for school.
22			Tamika moves into her own apartment.
23			Christopher moves in shortly after. He
24			lives there on/off. Tamika took
25			Xy'Shone to school 2 days and then
26			told Kimberly catching the bus was too
27			difficult. Xy'Shone and Xaia began to
28			stay with Kimberly 5 days a week for
	May 2018	Xionne born	school.
	August 2017 – April 2019		During the school week the children are
	April 2019 to July 2019		living with Kimberly
			Children with parents except occasional
			weekends; Xionne with great-
			grandmother while parents worked.

1	August 2019	Tamika demands that Christopher and the children leave her home.
2		
3	August 2019	Two weeks after ordering everyone out of her home, Tamkia calls the police and reports that Christopher kidnapped the children.
4		
5	October 2019	Christopher awarded primary custody during the week; Tamika is awarded weekends with the children.
6		
7		Christopher, Xy'Shone, Xaia and Xionne live with Kimberly..
8		
9	End of December 2019	Christopher moves in with Tamika and takes the children with him. Kimberly has visitation.
10		
11	October 2019	Christopher awarded primary physical custody during the week; Tamika is awarded weekends with the children.
12		
13	January 2020	Kimberly has visitation.
14		
15	February 18, 2020	Kimberly's last visitation.

Both Mom and Dad have an extensive history of instability. Neither has been able to maintain employment for any length of time, they have moved repeatedly, experienced legal problems, and Dad recently tested positive with traces of cocaine and alcohol in his urine.

Pursuant to this Court's Order on April 15, 2020, the children were to remain in their current school. On information and belief and alleged thereon, it is believed that Mom has removed the children from school, and her location is currently unknown.

1 The only stability and consistency the three (3) children know is with
2 Kimberly's care. This Motion to Intervene for the reasons noted herein follows.

3 4 **LEGAL AUTHORITY**

5 **A. INTERVENTION**

6 7 **Rule 24. Intervention**

8 (a) **Intervention of Right.** On timely motion, the court must
9 permit anyone to intervene who:

10 (1) is given an unconditional right to intervene by a
11 state or federal statute; or

12 (2) claims an interest relating to the property or
13 transaction that is the subject of the action, and is so situated that
14 disposing of the action may as a practical matter impair or impede the
15 movant's ability to protect its interest, unless existing parties
16 adequately represent that interest.

17 (b) **Permissive Intervention.**

18 (1) In General. On timely motion, the court may
19 permit anyone to intervene who:

20 (A) is given a conditional right to intervene by a
21 state or federal statute; or

22 (B) has a claim or defense that shares with the
23 main action a common question of law or fact.

24 ...

25 **NRS 12.130 Intervention:** Right to intervention; procedure,
26 determination and costs; exception.

27 1. Except as otherwise provided in subsection 2:

28 (a) Before the trial, any person may intervene in an action or
proceeding, who has an interest in the matter in litigation, in the
success of either of the parties, or an interest against both.

(b) An intervention takes place when a third person is permitted
to become a party to an action or proceeding between other persons,
either by joining the plaintiff in claiming what is sought by the
complaint, or by uniting with the defendant in resisting the claims of
the plaintiff, or by demanding anything adversely to both the plaintiff
and the defendant.

1 (c) Intervention is made as provided by the Nevada Rules of
2 Civil Procedure.

3 (d) The court shall determine upon the intervention at the same
4 time that the action is decided. If the claim of the party intervening is
5 not sustained, the party intervening shall pay all costs incurred by the
6 intervention.

7 2. The provisions of this section do not apply to intervention in
8 an action or proceeding by the Legislature pursuant to NRS
9 218F.720.

10 [Part 1911 CPA § 64; RL § 5006; NCL § 8563] — (NRS A 2009,
11 1566)

12 NRCP 24(a) permits intervention into a case wherever there is a right
13 to intervene in a case granted by statute or when the intervener can claim an
14 interest in a particular transaction. Here, although the Intervener, Kimberly,
15 is not aware of any statute granting the unconditional right to intervene into
16 a custody matter, Interveners are among those that Court would recognize
17 as having a right to petition the Court for custody for an initial custody
18 determination.

19 NRS 125C.0035(3) defines the order of preference in which Custody
20 determinations are made, including:
21

- 22 1. Parents;
- 23 2. Any person with whom a child has lived, developed a strong bond
24 and who can provide the child with a wholesome environment in
25 which to be raised;
- 26 3. A relative within the fifth degree of consanguinity; or
- 27 4. Any other person that the Court finds suitable.

28 B. Permissive Intervention

1 Even if the Court is not convinced that the Intervener qualifies as a someone
2 endowed with a right to intervention under the facts of this case, NRCP(b)(2)
3 grants the Court the power to permit intervention into any case whenever the
4 applicant's claim or defense and the main action have a question of law or fact in
5 common. In such cases, the Court may permit intervention if such intervention
6 will not unduly delay or prejudice the adjudication of the original parties' rights.
7

8
9 Here, Kimberly's claim mirrors those of Mom and Dad. Kimberly claims
10 that Custody needs to be established over the children to protect the children and
11 their interests.
12

13 This is the same claim that the parents purport to have. Moreover, the
14 Court's granting Kimberly permission to intervene will not unduly delay or
15 prejudice the adjudication of the rights of the original parties, in that no Order of
16 Custody has yet been granted. What is at stake here is an initial determination of
17 Custody based on the parental unfitness of Mom and Dad. The Court is well
18 within its rights to grant Kimberly's Motion to Intervene in this case so that the
19 children and their best interests can be protected. Accordingly, the Intervener,
20 Kimberly White, requests that the Court grant her Motion to Intervene pursuant to
21 NRCP 24.
22
23
24
25

26 **C. MOM AND/OR DAD SHOULD BE ORDERED TO APPEAR AND**
27 **PRODUCE THE CHILDREN.**
28

1 **NRS 125A.395 Appearance of parties and child.**

2 1. In a child custody proceeding in this state, the court may
3 order a party to the proceeding who is in this state to appear before
4 the court in person with or without the child. The court may order
5 any person who is in this state and who has physical custody or
6 control of the child to appear in person with the child.

7 2. If a party to a child custody proceeding whose presence is
8 desired by the court is outside this state, the court may order that a
9 notice given pursuant to NRS 125A.255 include a statement directing
10 the party to appear in person with or without the child and informing
11 the party that failure to appear may result in a decision adverse to the
12 party.

13 3. The court may enter any orders necessary to ensure the safety
14 of the child and of any person ordered to appear pursuant to this
15 section.

16 4. If a party to a child custody proceeding who is outside this
17 state is directed to appear pursuant to subsection 2 or desires to
18 appear personally before the court with or without the child, the court
19 may require another party to pay reasonable and necessary travel and
20 other expenses of the party so appearing and of the child.

21 (Added to NRS by 2003, 999)

22 On information and belief, and alleged thereon, Mom may have left this
23 jurisdiction before Orders were entered. Kimberly therefore, respectfully requests,
24 if this is true, that she is granted a “pick up” order to return the children to her
25 local custody and care in Nevada.

26 **CUSTODY OF THE MINOR CHILDREN**

27 **1. There is legal presumption that Mom or Dad’s Physical Custody of**
28 **the children is not in their best interests.**

 NRS 125C.003 Best interests of child: Primary physical
custody; presumptions; child born out of wedlock.

1 1. A court may award primary physical custody to a parent if
2 the court determines that joint physical custody is not in the best
3 interest of a child. An award of joint physical custody is presumed
4 not to be in the best interest of the child if:

5 (a) The court determines by substantial evidence that a parent is
6 unable to adequately care for a minor child for at least 146 days of
7 the year;

8 (b) A child is born out of wedlock and the provisions of
9 subsection 2 are applicable; or

10 (c) Except as otherwise provided in subsection 6 of NRS
11 125C.0035 or NRS 125C.210, there has been a determination by the
12 court after an evidentiary hearing and finding by clear and
13 convincing evidence that a parent has engaged in one or more acts of
14 domestic violence against the child, a parent of the child or any other
15 person residing with the child. The presumption created by this
16 paragraph is a rebuttable presumption.

17 2. A court may award primary physical custody of a child born
18 out of wedlock to:

19 (a) The mother of the child if:

20 (1) The mother has not married the father of the child;

21 (2) A judgment or order of a court, or a judgment or order
22 entered pursuant to an expedited process, determining the paternity of
23 the child has not been entered; and

24 (3) The father of the child:

25 (I) Is not subject to any presumption of paternity under
26 NRS 126.051;

27 (II) Has never acknowledged paternity pursuant to NRS
28 126.053; or

 (III) Has had actual knowledge of his paternity but has
abandoned the child.

 (b) The father of the child if:

 (1) The mother has abandoned the child; and

 (2) The father has provided sole care and custody of the
child in her absence.

 3. As used in this section:

 (a) "Abandoned" means that a mother or father has:

 (1) Failed, for a continuous period of not less than 6 months,
to provide substantial personal and economic support to the child; or

1 (2) Knowingly declined, for a continuous period of not less
2 than 6 months, to have any meaningful relationship with the child.

3 (b) "Expedited process" has the meaning ascribed to it in NRS
4 126.161.

5 (Added to NRS by 2015, 2582)

6 **NRS 125C.0035 Best interests of child:** Joint physical
7 custody; preferences; presumptions when court determines parent or
8 person seeking custody is perpetrator of domestic violence or has
9 committed act of abduction against child or any other child.

10 1. In any action for determining physical custody of a minor
11 child, the sole consideration of the court is the best interest of the
12 child. If it appears to the court that joint physical custody would be in
13 the best interest of the child, the court may grant physical custody to
14 the parties jointly.

15 2. Preference must not be given to either parent for the sole
16 reason that the parent is the mother or the father of the child.

17 3. The court shall award physical custody in the following order
18 of preference unless in a particular case the best interest of the child
19 requires otherwise:

20 (a) To both parents jointly pursuant to NRS 125C.0025 or to either
21 parent pursuant to NRS 125C.003. If the court does not enter an order
22 awarding joint physical custody of a child after either parent has
23 applied for joint physical custody, the court shall state in its decision
24 the reason for its denial of the parent's application.

25 (b) To a person or persons in whose home the child has been
26 living and where the child has had a wholesome and stable
27 environment.

28 (c) To any person related within the fifth degree of consanguinity
to the child whom the court finds suitable and able to provide proper
care and guidance for the child, regardless of whether the relative
resides within this State.

(d) To any other person or persons whom the court finds suitable
and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall
consider and set forth its specific findings concerning, among other
things:

1 (a) The wishes of the child if the child is of sufficient age and
2 capacity to form an intelligent preference as to his or her physical
3 custody.

4 (b) Any nomination of a guardian for the child by a parent.

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

8 (d) The level of conflict between the parents.

9 (e) The ability of the parents to cooperate to meet the needs of the
10 child.

11 (f) The mental and physical health of the parents.

12 (g) The physical, developmental and emotional needs of the child.

13 (h) The nature of the relationship of the child with each parent.

14 (i) The ability of the child to maintain a relationship with any
15 sibling.

16 (j) Any history of parental abuse or neglect of the child or a
17 sibling of the child.

18 (k) Whether either parent or any other person seeking physical
19 custody has engaged in an act of domestic violence against the child, a
20 parent of the child or any other person residing with the child.

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

24 5. Except as otherwise provided in subsection 6 or NRS
25 125C.210, a determination by the court after an evidentiary hearing
26 and finding by clear and convincing evidence that either parent or any
27 other person seeking physical custody has engaged in one or more acts
28 of domestic violence against the child, a parent of the child or any
other person residing with the child creates a rebuttable presumption
that sole or joint physical custody of the child by the perpetrator of the
domestic violence is not in the best interest of the child. Upon making
such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or
more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by
the court adequately protects the child and the parent or other victim of
domestic violence who resided with the child.

1 6. If after an evidentiary hearing held pursuant to subsection 5
2 the court determines that each party has engaged in acts of domestic
3 violence, it shall, if possible, then determine which person was the
4 primary physical aggressor. In determining which party was the
5 primary physical aggressor for the purposes of this section, the court
6 shall consider:

7 (a) All prior acts of domestic violence involving either party;

8 (b) The relative severity of the injuries, if any, inflicted upon the
9 persons involved in those prior acts of domestic violence;

10 (c) The likelihood of future injury;

11 (d) Whether, during the prior acts, one of the parties acted in self-
12 defense; and

13 (e) Any other factors which the court deems relevant to the
14 determination.

15 In such a case, if it is not possible for the court to determine which
16 party is the primary physical aggressor, the presumption created
17 pursuant to subsection 5 applies to both parties. If it is possible for the
18 court to determine which party is the primary physical aggressor, the
19 presumption created pursuant to subsection 5 applies only to the party
20 determined by the court to be the primary physical aggressor.

21 7. A determination by the court after an evidentiary hearing and
22 finding by clear and convincing evidence that either parent or any
23 other person seeking physical custody has committed any act of
24 abduction against the child or any other child creates a rebuttable
25 presumption that sole or joint physical custody or unsupervised
26 visitation of the child by the perpetrator of the abduction is not in the
27 best interest of the child. If the parent or other person seeking physical
28 custody does not rebut the presumption, the court shall not enter an
order for sole or joint physical custody or unsupervised visitation of
the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or
more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by
the court adequately protects the child and the parent or other person
from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts
constitute conclusive evidence that an act of abduction occurred:

1 (a) A conviction of the defendant of any violation of NRS 200.310
2 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that
3 prohibits the same or similar conduct;

4 (b) A plea of guilty or nolo contendere by the defendant to any
5 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of
6 any other jurisdiction that prohibits the same or similar conduct; or

7 (c) An admission by the defendant to the court of the facts
8 contained in the charging document alleging a violation of NRS
9 200.310 to 200.340, inclusive, or 200.359 or a law of any other
10 jurisdiction that prohibits the same or similar conduct.

11 9. If, after a court enters a final order concerning physical
12 custody of the child, a magistrate determines there is probable cause to
13 believe that an act of abduction has been committed against the child
14 or any other child and that a person who has been awarded sole or
15 joint physical custody or unsupervised visitation of the child has
16 committed the act, the court shall, upon a motion to modify the order
17 concerning physical custody, reconsider the previous order concerning
18 physical custody pursuant to subsections 7 and 8.

19 10. As used in this section:

20 (a) "Abduction" means the commission of an act described in
21 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other
22 jurisdiction that prohibits the same or similar conduct.

23 (b) "Domestic violence" means the commission of any act
24 described in NRS 33.018.

25 (Added to NRS by 2015, 2583)

26 This Court is empowered to enter Temporary Orders affecting the custody
27 of the children. Although pursuant to NRS 125C.0035, there is a legal
28 presumption that Joint physical custody is not in the child's best interests if a
parent has engaged in activities deemed detrimental to the children's safety and
welfare. Those factors include:

Kimberly has always kept the well-being and best interest of the children as
her sole focus. She has helped Mom and Dad, time and time again, in anyway

1 needed so they could provide for the children. Mom and Dad had an open door to
2 live with Kimberly at any time. Kimberly encouraged Mom to get a college
3 degree and helped her register at CSN, and with any assignment she needed help
4 with. Kimberly would go so far as to find Mom employment to help her could put
5 money away to get her own place and a car. When Dad was incarcerated,
6 Kimberly spoke to him almost daily, provided gifts and anything that she thought
7 would keep his spirits up through that ordeal. Kimberly has helped buy Dad him
8 cars so he could work and become financially independent. She assisted in
9 providing financial support while he pursued his education in trade school.
10 Financially, any time they've asked for assistance with everyday bills, school, rent,
11 and many other things, Kimberly assisted. Kimberly viewed these efforts, helping
12 Mom and Dad to become independent and to have solid careers as a way to make
13 them stronger parents so they could do right by their children. Regrettably,
14 Kimberly's efforts were often not appreciated by Mom and Dad.

20 Mom has a documented history of being unable to care for the three (3)
21 children. For months, to years, at a time, Mom has been dependent on Kimberly
22 for food, shelter, and basic necessities. When Mom was first pregnant, she fled to
23 Kimberly's home because her own lacked heat.

26 Both Dad and Mom are highly dependent on Kimberly to provide for their
27 children – not just food, shelter and clothing, but critically important, stability. A
28

1 review of the number of times that Mom and Dad have moved, leaving the
2 children with Kimberly, is well documented. Mom and Dad are unable to provide
3 for the children's basic needs.
4

5 NRS 125C.003(3) defines the term "abandonment" as having failed over a
6 period of not less than six (6) months to provide substantial personal and
7 economic support to a child or failing to have a meaningful relationship with the
8 children. Again, a review of the parties' timeshare shows that both Mom and Dad
9 have abandoned their children to Kimberly.
10
11

12 The Court is required to examine Mom and Dad's past actions; determine
13 the scope of their previous involvement with the children. As mentioned *supra*,
14 both Mom and Dad have left the children in Kimberly's care. Dad was
15 incarcerated at one time, and Mom left without notice or good reason.
16
17

18 **2. JOINT PHYSICAL CUSTODY IS NOT IN THE CHILDREN'S** 19 **BEST INTERESTS.**

20 In the unlikely event that the Court finds that NRS 125C.003 is inapplicable
21 in this case, before making a Custody determination, pursuant to NRS 125C.0035,
22 the Court must first do a best interests analysis to determine if Joint Physical
23 Custody is in the Child's best interests, which includes an analysis of the
24 following factors:
25
26
27
28

1 (4.) In determining the best interest of the child, the Court shall consider and
2 set forth its specific findings concerning, among other things:

3
4 (a) The wishes of the child if the child is of sufficient age and capacity to
5 form an intelligent preference as to his or her physical custody.

6 **Not applicable. The children are too young to form a preference.**

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

9
10 **Kimberly, as the paternal grandmother nominates herself as the
children's primary physical custodian.**

11
12 (c) Which parent is more likely to allow the child to have frequent
13 associations and a continuing relationship with the noncustodial parent.

14 **Kimberly, as the paternal grandmother, has no interest in keeping the
15 children from either parent. However, she is the only person who has
16 consistently been available for the children and provided for their best
17 interests.**

18
19 (d) The level of conflict between the parents.

20 **The level of conflict between all parties is currently high.**

21
22 (e) The ability of the parents to cooperate to meet the needs of the child.

23 **Both Mom and Dad have failed to cooperate to meet the needs of the
24 children. Again, a review of the custodial timeshare documents that
25 Kimberly is the person who has consistently present in the children's lives.
She provides food, shelter, clothing, education and also, a home.**

26
27 (f) The mental and physical health of the parents.
28

1 **Kimberly has no mental or physical infirmities that preclude her from**
2 **being the children's primary physical custodian. In fact, Kimberly is a**
3 **Registered Nurse, has her Bachelor's and Masters of Science in Nursing, is**
4 **recognized as a Nurse Practitioner and has a Doctors of Nurse Practice.**
5 **Kimberly's education and time share with the children document that she is**
6 **well able to care for three growing children.**

7 (g) The physical, developmental and emotional needs of the child.

8 **Kimberly has demonstrated her ability to provide for the needs of the**
9 **children, both emotionally and financially. Kimberly is not an absentee**
10 **parent; Mom and Dad are the ones who have not met the needs of their**
11 **children.**

12 (h) The nature of the relationship of the child with each parent.

13 **The children are bonded with Mom, Dad and Kimberly.**

14 (i) The ability of the child to maintain a relationship with any sibling.

15 **The children will maintain their relationship with one another**
16 **in Kimberly's care.**

17 (j) Any history of parental abuse or neglect of the child or a sibling of the
18 child.

19 **Tamika accused Christopher of abusing Xy'Shonne; CPS investigated**
20 **and was unsubstantiated.**

21 (k) Whether either parent or any other person seeking physical custody has
22 engaged in an act of domestic violence against the child, a parent of the child or
23 any other person residing with the child.

24 **Tamika was arrested for fighting with her sister when she removed the**
25 **kids to Michigan.**

26 (l) Whether either parent or any other person seeking physical custody has
27 committed any act of abduction against the child or any other child.
28

1
2 **On information and belief, Mom has left the jurisdiction. A “pick up”**
3 **order may be needed.**

4
5 **VISITATION**

6 **MOM AND DAD SHOULD HAVE VISITATION OF THE**
7 **CHILDREN**

8 NRS 125C.010 Order awarding visitation rights must define rights
9 with particularity and specify habitual residence of child.

10 1. Any order awarding a party a right of visitation of a minor
11 child must:

12 (a) Define that right with sufficient particularity to ensure
13 that the rights of the parties can be properly enforced and that the best
14 interest of the child is achieved; and

15 (b) Specify that the State of Nevada or the state where the
16 child resides within the United States of America is the habitual
17 residence of the child.

18 The order must include all specific times and other terms of the right
19 of visitation.

20 2. As used in this section, “sufficient particularity” means a
21 statement of the rights in absolute terms and not by the use of the
22 term “reasonable” or other similar term which is susceptible to
23 different interpretations by the parties.

24 (Added to NRS by 1993, 2137; A 1995, 1493, 2289)

25 Kimberly respectfully requests that the Court grant Mom and Dad
26 visitation. Kimberly is not trying to cut Mom and Dad out of the children’s
27 lives. She wants their involvement as two parents will help enrich the
28 children’s lives. Unfortunately, both Parents have records of instability.

GRANDPARENT VISITATION

NRS 125C.050 states in relevant part:

...

2. If the child has resided with a person with whom the child has established a meaningful relationship, the district court in the county in which the child resides may also grant to that person a reasonable right to visit the child during the child's minority, regardless of whether the person is related to the child.

• • •

While Kimberly argues she is best positioned for custody of the minor child, in the unlikely event the this Court grants visitation to the Parents, Kimberly respectfully requests that the Court grant her liberal visitation with the children. It certainly will not be in the children's best interests to summarily remove Kimberly from their lives. Accordingly, Kimberly would accept visitation with the children as an alternative to Primary Custody.

CHILD SUPPORT.

Once Kimberly is granted primary physical custody of the parties' three (3) children, she respectfully requests child support pursuant to NAC 425. NAC 425.037 would necessarily require both parents to pay support

MEDICAL COVERAGE

NRS 125B.085 Order for support to include provision regarding medical support for child. [Effective until the effective date of the regulations adopted by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services establishing the guidelines in this State for the support of one or more children pursuant to NRS 425.620.]

1 1. Except as otherwise provided in NRS 125B.012, every court
2 order for the support of a child issued or modified in this State on or
3 after June 2, 2007, must include a provision specifying that one or
4 both parents are required to provide medical support for the child and
any details relating to that requirement.

5 2. As used in this section, "medical support" includes, without
6 limitation, coverage for health care under a plan of insurance that is
7 reasonable in cost and accessible, including, without limitation, the
8 payment of any premium, copayment or deductible and the payment
9 of medical expenses. For the purpose of this subsection:

10 (a) Payments of cash for medical support or the costs of coverage
11 for health care under a plan of insurance are "reasonable in cost" if:

12 (1) In the case of payments of cash for medical support, the
13 cost to each parent who is responsible for providing medical support
14 is not more than 5 percent of the gross monthly income of the parent;
15 or

16 (2) In the case of the costs of coverage for health care under
17 a plan of insurance, the cost of adding a dependent child to any
18 existing coverage for health care or the difference between individual
19 and family coverage, whichever is less, is not more than 5 percent of
20 the gross monthly income of the parent.

21 (b) Coverage for health care under a plan of insurance is
22 "accessible" if the plan:

23 (1) Is not limited to coverage within a geographical area; or

24 (2) Is limited to coverage within a geographical area and the
25 child resides within that geographical area.

26 (Added to NRS by 1997, 2294; A 2007, 1229; 2009, 956; R 2017,
27 2292, effective on the effective date of the regulations adopted by the
28 Administrator of the Division of Welfare and Supportive Services of
the Department of Health and Human Services establishing the
guidelines in this State for the support of one or more children
pursuant to NRS 425.620)

Kimberly will provide medical, dental, optical, orthodontic insurance
coverage for the minor children. Mom and Dad should be equally
responsible for the premium costs, deductibles, prescriptions, and

1 medication maintenance insurance incurred on behalf of the children. Said
2 coverage shall continue until the children, respectively (1) become
3 emancipated or (2) attain the age of eighteen years, the age of majority,
4 unless the children are attending secondary education when the children
5 reach eighteen years of age, in which event said medical insurance shall
6 continue until the children graduate from high school or attain the age of
7 nineteen (19) years, whichever event occurs first, with Mom and Dad
8 equally dividing the cost of any unreimbursed medical expenses on behalf
9 of the children, utilizing the 30/30 rule.
10
11
12
13
14

15 ATTORNEYS' FEES AND COSTS.

16 KIMBERLY IS ENTITLED TO ATTORNEY'S FEES PURSUANT
17 TO NRS 125C.250.
18

19 NRS 125C.250 Attorney's fees and costs. Except as otherwise
20 provided in NRS 125C.0689, in an action to determine legal custody,
21 physical custody or visitation n with respect to a child, the court
22 may order reasonable fees of counsel and experts and other costs of
23 the proceeding to be paid in proportions and at times determined by
the court.

24 (Added to NRS by 2013, 2956)

25 NRS 125C.250 permits the Court to enter an award of Attorney's
26 Fees and Costs in any case concerning the custody and visitation of a child.
27
28

1 The Court may order any party to pay all or some of the Party's attorney's
2 fees with the amount awarded to be at the Court's discretion. Should Mom
3 and Dad oppose the reasonable requests for relief contained in this Motion,
4 Kimberly would request that the Court assesses Mom and Dad 100% of her
5 legal fees.
6
7

8 NRS 18.010 Award of attorney's fees.

9 . . .

10 2. In addition to the cases where an allowance is authorized by
11 specific statute, the court may make an allowance of attorney's fees
12 to a prevailing party:

13 . . .

14 (b) Without regard to the recovery sought, when the court finds
15 that the claim, counterclaim, cross-claim or third-party complaint or
16 defense of the opposing party was brought or maintained without
17 reasonable ground or to harass the prevailing party. The court shall
18 liberally construe the provisions of this paragraph in favor of
19 awarding attorney's fees in all appropriate situations. It is the intent
20 of the Legislature that the court award attorney's fees pursuant to this
21 paragraph and impose sanctions pursuant to Rule 11 of the Nevada
22 Rules of Civil Procedure in all appropriate situations to punish for
23 and deter frivolous or vexatious claims and defenses because such
24 claims and defenses overburden limited judicial resources, hinder the
25 timely resolution of meritorious claims and increase the costs of
26 engaging in business and providing professional services to the
27 public.
28

23 The general provision for fees, NRS 18.010, provides the statutory
24 guidance for what type of findings would support an award of attorney's
25 fees. The enumerated requirement, including filings, made "without
26 reasonable ground or to harass the prevailing party." Although district
27
28

1 courts “shall liberally construe” the provisions of the statute in awarding
2 fees, the rule has been sharpened to target those acting without a valid basis
3 or whose sole purpose is to harass. Should Mom or Dad oppose Kimberly’s
4 Motion, they should be ordered to pay all of her attorney’s fees and costs.
5 Accordingly, Kimberly hereby requests that the Court award her full
6 attorney’s fees if Mom or Dad opposes the instant Motion so that they
7 understand the seriousness of their actions and think twice before acting
8 similarly.
9

10 *BRUNZELL FACTORS*

11
12 In *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31
13 (1969), the Court enumerated factors that the District Court should consider
14 in awarding attorneys’ fees, with no single individual factor controlling, as
15 follows:
16

17 (1) The advocate’s qualities, including ability, training,
18 education, experience, professional standing, and skill;

19 (2) The character of the work, including its difficulty,
20 intricacy, importance, as well as the time and skill required, the
21 responsibility imposed, and the prominence and character of the
22 parties when affecting the importance of the litigation;

23 (3) The work performed, including the skill, time, and
24 attention given to the work; and

25 (4) The result – whether the attorney was successful and
26 what benefits were derived.
27
28

1 Kimberly as satisfied the *Brunzell* factors. Kimberly's counsel are
2 attorneys duly licensed to practice law in Nevada. Both Mr. Sheets and Ms.
3 Conant are qualified and have considerable experience, ability, and training
4 in the field of Family Law litigation. Mr. Sheets and Ms. Conant have a
5 combined thirty-five (35) years of experience practicing law.
6
7

8 Mr. Sheets was licensed in 2007 and Ms. Conant in 2002. Both
9 lawyers have practiced primarily in criminal and family law. The litigation
10 was necessary due to the parent's instability and their inability to properly
11 care for their children. It is the responsibility of Kimberly's counsel to assist
12 her in this endeavor to ensure that Kimberly's voice is heard for the
13 children's best interest. Based on the foregoing, it is not only fair, but also
14 reasonable under the circumstances that Mom and Dad be fully responsible
15 for Kimberly's reasonable attorneys' fees and costs, the sum to be
16 determined pursuant to a Memorandum of Fees and Costs filed at the
17 conclusion of this case pursuant to NRS 18.010, NRS 125B.140(c)(2)(1),
18 NRS 125B.0952, EDCR 7.60, NRCP 54(d), and *Brunzell*. Kimberly further
19 requests that her attorneys' fees be awarded and reduced to judgment,
20 collectable by any legal means
21
22
23
24
25

26 WHEREFORE, Intervenor and Paternal Grandmother, KIMBERLY
27 WHITE, hereby asks this Honorable Court to enter its Orders:
28

1 1. For an Order permitting the Intervention of Kimberly White,
2 the Paternal Grandmother into this case;

3
4 2. For an Order that the children are produced before this Court
5 and returned to Nevada if they were removed. Alternatively, granting
6 Kimberly a “Pick Up” order to return the children to Clark County and to
7 her custody and care;

8
9 3. For an Order pursuant to NRS 125C.0035, granting the
10 Intervenor’s request for Legal and primary custody of the minor children;

11
12 4. For an Order awarding Plaintiff and Defendant visitation;

13
14 5. An Alternative Order for Third Party Visitation;

15 6. For an Order awarding Intervenor Child Support pursuant to
16 NAC 425, payable by both the Mother and Father;

17
18 7. For an Order for medical coverage on behalf of the minor
19 children;

20 8. For an Order awarding Intervenor cost associated with school;

21 9. For an Order awarding Intervenor’s full attorneys’ fees and
22 costs associated with the filing of the instant motion;

23
24 10. For an Order granting Intervenor any further relief this Court
25 deems just and proper.

26
27 DATED this 13th day of July, 2020.
28

1
2 /s/ Lynn Conant, Esq.
3 DAMIAN R. SHEETS, ESQ.
4 Nevada Bar No. 10755
5 LYNN CONANT, Esq.
6 Nevada Bar No. 8036
7 NEVADA DEFENSE GROUP
8 714 South 4th Street
9 Las Vegas, Nevada 89101
10 (702) 988-2600
11 lconant@defendingnevada.com
12 Attorneys for Grandmother

13
14
15 **VERIFICATION**

16 I, KIMBERLY WHITE, under penalties of perjury in accordance with the laws
17 of the State of Nevada, declare and state:

- 18 1. That I am the Intervenor and Paternal Grandmother in the above-entitled
19 action; and,
20
21 2. That I have read the document entitled: MOTION TO INTERVENE and
22 know the contents thereof; that the factual averments contained therein are
23 true and correct to the best of my knowledge, except for those matters
24 therein stated upon information and belief, and as to those matters as I
25 believe them to be true. I am competent and willing to testify in a court of
26 law as to the facts stated in said document. Those factual averments
27 contained in said document are incorporated herein as if set forth in full.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Dated this 13th day of July, 2020.

/s/ Kimberly White
KIMBERLY WIHTE



Lynn Conant <lconant@defendingnevada.com>

Re: Attestation

1 message

Kimberley W <kwhite_writer@hotmail.com>
To: Lynn Conant <lconant@defendingnevada.com>

Thu, Jul 9, 2020 at 8:16 PM

I am the Paternal Grandmother and Intervenor in the case of Jones v. Judson. I have read the Motion to Intervent and know the contents thereof; the same is true of my own knowledge, except as to those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true. I authorize my counsel, Lynn Conant, Esq., and/or Lesley E. Cohen, Esq., to electronically sign the Motion to Intervene on my behalf.

Kimberly White

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Kimberly White

Intervenor

v.

Tamika Jones, Plaintiff AND

Christopher Judson, Defendant

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

\$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

-OR-

XX \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

XX The Motion/Opposition is being filed before a Divorce Custody Decree has been entered.

The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

Other Excluded Motion (must specify) _____.

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

XX \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

XX The Motion/Opposition is being filed in a case that was not initiated by joint petition. The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-OR-

\$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

\$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

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

XX \$0 **\$25** **\$57** **\$82** **\$129** **\$154**

Party filing Motion/Opposition: Lynn Conant, Esq., # 8036 Date 7/13/2020

Signature of Party or Preparer





1 NOH

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 *****

7 TAMIKA BEATRICE JONES,
8 PLAINTIFF.
9 VS.
10 CHRISTOPHER CHARLES
11 JUDSON, DEFENDANT.

CASE NO.: D-19-594413-C
DEPARTMENT S
Courtroom 7

12 NOTICE OF HEARING

13 Please be advised that the above-entitled matter has been scheduled for a
14 Hearing to be heard by the Honorable Vincent Ochoa, at the Family
15 Courts & Services Center, Courtroom 7, Las Vegas, Nevada, on the 31st
16 day of August, 2020, at the hour of 2:30 PM.

17 Honorable Vincent Ochoa

18
19 By: /S/ Deniece Lopez
20 Judicial Executive Assistant
21 Department S
22
23
24
25
26
27
28

VINCENT OCHOA
DISTRICT JUDGE
FAMILY DIVISION, DEPT. S
LAS VEGAS, NV 89101

CERTIFICATE OF MAILING

I hereby certify that on or about the file stamp date the foregoing Notice of Hearing was:

☐ E-served pursuant to NEFCR 9, or placed in the appropriate attorney folder located in the Clerk's Office at the RJC:

Tamika Beatrice Jones
Christopher Charles Judson

☐ E-Served pursuant to NEFCR 9, or mailed, via first-class mail, postage fully prepaid to:

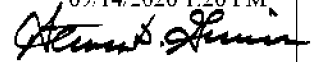
Christopher Charles Judson
8447 Sequoia Grove AVE
Las Vegas, NV 89149

Jillian M. Tindall, Esq.
3838 Raymert DR STE 20
Las Vegas, NV 89121

Tamika Beatrice Jones
4730 E Craig RD APT 2088Bldg15
Las Vegas, NV 89115

Lynn Conant, Esq.
714 S.4th Street
Las Vegas, NV 89101

/S/ Deniece Lopez
Judicial Executive Assistant
Department S


CLERK OF THE COURT

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 5, 2020
	)	Time of Hearing:
CHRISTOPHER JUDSON,)	
Defendant)	

ORDER FROM AUGUST 5, 2020 HEARING

This matter, Intervenor KIMBERLY WHITE and Paternal Grandmother's Motion to (1) Intervene; (2) For An Order To Produce The Children, (3) Sole Legal And Primary Physical Custody Of The Minor Children; (4) For Child Support; (5) Visitation For Plaintiff And Defendant; (6) For Medical Coverage; (7) For Child Support And Associated Child Rearing Costs; Or In The Alternative (8) For Third Party Visitation; (9) For Attorney's Fees And Costs; And, Other Related Relief;

1 With Intervenor KIMBERLY WHITE, present, by and through her
2 attorney, Lynn Conant, Esq., and;
3

4 Neither the Plaintiff, Tamika Jones or Christopher Judson present;

5 The Notice of Motion and Motion mailed pursuant to NRCP5(b) on the
6 15th day of July;
7

8 That Ms. Conant recapped the history of the case and the Paternal
9 Grandmother's role with the children;
10

11 Intervenor, KIMBERLY WHITE, was sworn in and testified. Ms. White
12 testified that she was the care taker of the children and that she is fit and
13 competent to care for the children.
14

15 The Court was alerted it appears the parties may have fled the jurisdiction
16 and returned to their home state of Michigan and that the Intervenor is using the
17 services of a private detective to locate the parties and children;
18

19 **NOW THEREFORE,**

20 **IT IS HERBY ORDERED** that KIMBERLEY WHITE, the Paternal
21 Grandmother, is awarded Grandparent visitation;
22

23 **IT IS FURTHER ORDERED** that Ms. White has the Court's permission to
24 locate the children;
25

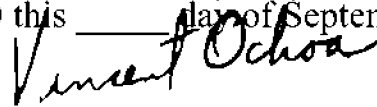
26 **IT IS FURTHER ORDERED** that a 'PICK UP ORDER' shall be issued to
27 return the children back to Nevada.
28

1 IT IS FURTHER ORDERED that Ms. White shall notify this Court within
2 72 hours of picking up the children so a hearing can be set;
3

4 IT IS FURTHER ORDERED that after the pick up of the children, Ms.
5 White shall be awarded custody of the children until there is a court hearing.
6 During the intervening time, the parents may have supervised visits while the
7 children are living with Ms. White.
8

9 IT IS SO ORDERED.

10 DATED this 14th day of September, 2020
11 DATED this 14th day of September, 2020.



12
13 DISTRICT COURT JUDGE
3F8 B2E 94C9 1F59
14 Vincent Ochoa

Submitted by: District Court Judge

15
16 /s/ Lynn Conant, Esq.
DAMIAN R. SHEETS, ESQ.
17 Nevada Bar No. 10755
18 LYNN CONANT, ESQ.
Nevada Bar No. 8036
19 NEVADA DEFENSE GROUP
20 714 South 4th Street
Las Vegas, Nevada 89101
21 (702) 988-2600
22 lconant@defendingnevada.com
23 Attorneys for Intervener
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 31, 2020
	)	Time of Hearing: 2:30 p.m.
CHRISTOPHER JUDSON,)	
Defendant)	
)	
vs.)	
)	
KIMBERLY WHITE,)	
Intervener.)	

ORDER FROM AUGUST 31, 2020 HEARING

This matter, having come on for hearing set by the Judiciary in this matter subsequent an Ex-Parte telephonic communication by Plaintiff, TAMIKA BEATRICE JONES.

1 TAMIKA BEATRICE JONES, appeared by audiovisual. Attorney Lynn
2 Conant appeared by audiovisual with KIMBERLY WHITE (Grandmother
3 Intervener). CHRISTOPHER CHARLES JUDSON, Defendant not present.

4
5 TAMIKA BEATRICE JONES stated she and CHRISTOPHER CHARLES
6 JUDSON live in Las Vegas and they resided together.
7

8 The Case was trailed to allow the Parties to talk. The Case resumed with
9 the Parties present as previously stated.
10

11 Ms. Conant proposed KIMBERLY WHITE have two weekend a month
12 and a referral to mediation. TAMIKA BEATRICE JONES requested an
13 opportunity to talk to CHRISTOPHER CHARLES JUDSON.
14

15 Counsel addressed the school and there was a discussion.

16 TAMIKA BEATRICE JONES wanted her mother to be involved in the
17 next hearing. Court advised TAMIKA BEATRICE JONES that if Plaintiff's
18 mother want to participate she will have to file a motion and indicate how her
19 rights are being affected.
20
21

22 COURT ORDERED, as follows:

23 IT IS HEREBY ORDERED that TAMIKA BEATRICE JONES and
24 CHRISTOPHER CHARLES JUDSON shall talk.
25

26 IT IS FURTHER ORDERED that all Parties shall be referred to Family
27 Mediation Center (FMC) to formulate a visitation plan for KIMBERLY WHITE.
28

1 IT IS FURTHER ORDERED that KIMBERLY WHITE shall have
2 visitation on the 2nd weekend of the month from Friday at 5:00 PM until Sunday
3
4 at 5:00 PM commencing September 1, 2020, plus every 5th weekend of the
5 month from Friday 5:00 PM until Sunday at 5:00 PM., on a temporarily basis.
6

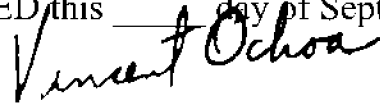
7 IT IS FURTHER ORDERED that during the summer, when there is no
8 school, KIMBERLY WHITE shall have the child for one period of seven (7)
9 days for vacation time. KIMBERLY WHITE shall select her vacation time by
10
11 April 1st every year of what week she will use her seven (7) days.

12 IT IS FURTHER ORDERED that TAMIKA BEATRICE JONES and
13
14 CHRISTOPHER CHARLES JUDSON shall select the child's school.

15 IT IS FURTHER ORDERED that Ms. Conant shall prepare the Order.

16 IT IS SO ORDERED.

17 Dated this 14th day of September, 2020
18 DATED this _____ day of September, 2020.

19 

20 DISTRICT COURT JUDGE
21 938 866 7D81 BD11

22 Submitted by Vincent Ochoa
23 District Court Judge

24 /s/ Lynn Conant, Esq.
25 DAMIAN R. SHEETS, ESQ.
26 Nevada Bar No. 10755
27 LYNN CONANT, ESQ.
28 Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101

1 (702) 988-2600
2 lconant@defendingnevada.com
3 Attorneys for Intervener
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28



1 **NEO**
2 **DAMIAN R. SHEETS, ESQ.**
3 Nevada Bar No. 10755
4 **LYNN CONANT, ESQ.**
5 Nevada Bar No. 8036
6 **NEVADA DEFENSE GROUP**
7 714 South 4th Street
8 Las Vegas, Nevada 89101
9 (702) 988-2600
10 lconant@defendingnevada.com
11 Attorneys for Intervener

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

11	TAMIKA JONES,)	
12		)	CASE NO.: D-19-594413-C
13	Plaintiff	)	DEPT.: S
14	vs.)	
15		)	Date of Hearing: August 31, 2020
16	CHRISTOPHER JUDSON,	)	Time of Hearing: 2:30 p.m.
17	Defendant.)	

18 **NOTICE OF ENTRY OF ORDER**

19 PLEASE TAKE NOTICE that the attached Order, was duly entered in the
20 above-referenced case on the 14th day of September, 2020.

21 DATED this 3rd day of November, 2020.

22 NEVADA DEFENSE GROUP

23 /s/ Lynn Conant, Esq.
24 LYNN CONANT, ESQ.

1 **CERTIFICATE OF SERVICE**

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of Mayfield, Gruber
4 & Sheets, and that on this 3rd day of November, 2020, I caused the NOTICE OF
5 ENTRY OF ORDER to be served as follows:

6
7 ☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f) and Administrative
8 Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic
9 Service in the Eighth Judicial" by mandatory electronic service: through the
Eighth Judicial District Court's electronic filing system;

10 ☒ by placing same to be deposited for mailing in the United States
11 Mail, in a sealed envelope upon which first class postage was prepaid in Las
12 Vegas, Nevada;

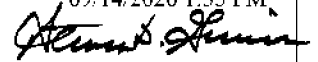
13 ☐ pursuant to EDCR 7.26 to be sent via facsimile or email, by duly
14 executed consent for service by electronic means;

15 ☐ To the attorney(s) listed below at the address, email address, and/or
16 facsimile number indicated below:

17 Christopher Charles Judson
18 8447 Sequoia Grove Ave.
19 Las Vegas, NV 89149

Tamika Beatrice Jones
730 E Craig Rd., Apt. 2088, Bldg,15
Las Vegas, NV 89115

20
21 /s/ Lynn Conant
22 EMPLOYEE OF NEVADA DEFENSE
23 GROUP
24
25
26
27
28


CLERK OF THE COURT

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 31, 2020
	)	Time of Hearing: 2:30 p.m.
CHRISTOPHER JUDSON,)	
Defendant)	
)	
vs.)	
)	
KIMBERLY WHITE,)	
Intervener.)	

ORDER FROM AUGUST 31, 2020 HEARING

This matter, having come on for hearing set by the Judiciary in this matter subsequent an Ex-Parte telephonic communication by Plaintiff, TAMIKA BEATRICE JONES.

1 TAMIKA BEATRICE JONES, appeared by audiovisual. Attorney Lynn
2 Conant appeared by audiovisual with KIMBERLY WHITE (Grandmother
3 Intervener). CHRISTOPHER CHARLES JUDSON, Defendant not present.

4
5 TAMIKA BEATRICE JONES stated she and CHRISTOPHER CHARLES
6 JUDSON live in Las Vegas and they resided together.
7

8 The Case was trailed to allow the Parties to talk. The Case resumed with
9 the Parties present as previously stated.
10

11 Ms. Conant proposed KIMBERLY WHITE have two weekend a month
12 and a referral to mediation. TAMIKA BEATRICE JONES requested an
13 opportunity to talk to CHRISTOPHER CHARLES JUDSON.
14

15 Counsel addressed the school and there was a discussion.

16 TAMIKA BEATRICE JONES wanted her mother to be involved in the
17 next hearing. Court advised TAMIKA BEATRICE JONES that if Plaintiff's
18 mother want to participate she will have to file a motion and indicate how her
19 rights are being affected.
20
21

22 COURT ORDERED, as follows:

23 IT IS HEREBY ORDERED that TAMIKA BEATRICE JONES and
24 CHRISTOPHER CHARLES JUDSON shall talk.
25

26 IT IS FURTHER ORDERED that all Parties shall be referred to Family
27 Mediation Center (FMC) to formulate a visitation plan for KIMBERLY WHITE.
28

1 IT IS FURTHER ORDERED that KIMBERLY WHITE shall have
2 visitation on the 2nd weekend of the month from Friday at 5:00 PM until Sunday
3
4 at 5:00 PM commencing September 1, 2020, plus every 5th weekend of the
5 month from Friday 5:00 PM until Sunday at 5:00 PM., on a temporarily basis.
6

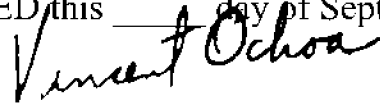
7 IT IS FURTHER ORDERED that during the summer, when there is no
8 school, KIMBERLY WHITE shall have the child for one period of seven (7)
9 days for vacation time. KIMBERLY WHITE shall select her vacation time by
10 April 1st every year of what week she will use her seven (7) days.
11

12 IT IS FURTHER ORDERED that TAMIKA BEATRICE JONES and
13
14 CHRISTOPHER CHARLES JUDSON shall select the child's school.

15 IT IS FURTHER ORDERED that Ms. Conant shall prepare the Order.

16 IT IS SO ORDERED.

17 Dated this 14th day of September, 2020
18 DATED this _____ day of September, 2020.

19 

20 DISTRICT COURT JUDGE
21 938 866 7D81 BD11

22 Submitted by Vincent Ochoa
23 District Court Judge

24 /s/ Lynn Conant, Esq.
25 DAMIAN R. SHEETS, ESQ.
26 Nevada Bar No. 10755
27 LYNN CONANT, ESQ.
28 Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101

1 (702) 988-2600
2 lconant@defendingnevada.com
3 Attorneys for Intervener
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28



1 **NEO**
2 **DAMIAN R. SHEETS, ESQ.**
3 Nevada Bar No. 10755
4 **LYNN CONANT, ESQ.**
5 Nevada Bar No. 8036
6 **NEVADA DEFENSE GROUP**
7 714 South 4th Street
8 Las Vegas, Nevada 89101
9 (702) 988-2600
10 lconant@defendingnevada.com
11 Attorneys for Intervener

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

11	TAMIKA JONES,)	
12		)	CASE NO.: D-19-594413-C
13	Plaintiff	)	DEPT.: S
14	vs.)	
15		)	Date of Hearing: August 5, 2020
16	CHRISTOPHER JUDSON,	)	Time of Hearing:
17	Defendant.)	

18 **NOTICE OF ENTRY OF ORDER**

19 PLEASE TAKE NOTICE that the attached Order, was duly entered in the
20 above-referenced case on the 14th day of September, 2020.

21 DATED this 3rd day of November, 2020.

22 NEVADA DEFENSE GROUP

23 /s/ Lynn Conant, Esq.
24 LYNN CONANT, ESQ.

1 **CERTIFICATE OF SERVICE**

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of Mayfield, Gruber
4 & Sheets, and that on this 3rd day of November, 2020, I caused the NOTICE OF
5 ENTRY OF ORDER to be served as follows:

6
7 ☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f) and Administrative
8 Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic
9 Service in the Eighth Judicial" by mandatory electronic service: through the
Eighth Judicial District Court's electronic filing system;

10 ☒ by placing same to be deposited for mailing in the United States
11 Mail, in a sealed envelope upon which first class postage was prepaid in Las
12 Vegas, Nevada;

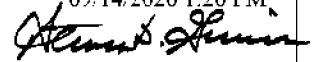
13 ☐ pursuant to EDCR 7.26 to be sent via facsimile or email, by duly
14 executed consent for service by electronic means;

15 ☐ To the attorney(s) listed below at the address, email address, and/or
16 facsimile number indicated below:

17 Christopher Charles Judson
18 8447 Sequoia Grove Ave.
19 Las Vegas, NV 89149

Tamika Beatrice Jones
730 E Craig Rd., Apt. 2088, Bldg,15
Las Vegas, NV 89115

20
21 /s/ Lynn Conant
22 EMPLOYEE OF NEVADA DEFENSE
23 GROUP
24
25
26
27
28


CLERK OF THE COURT

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 5, 2020
	)	Time of Hearing:
CHRISTOPHER JUDSON,)	
Defendant)	

ORDER FROM AUGUST 5, 2020 HEARING

This matter, Intervenor KIMBERLY WHITE and Paternal Grandmother's Motion to (1) Intervene; (2) For An Order To Produce The Children, (3) Sole Legal And Primary Physical Custody Of The Minor Children; (4) For Child Support; (5) Visitation For Plaintiff And Defendant; (6) For Medical Coverage; (7) For Child Support And Associated Child Rearing Costs; Or In The Alternative (8) For Third Party Visitation; (9) For Attorney's Fees And Costs; And, Other Related Relief;

1 With Intervenor KIMBERLY WHITE, present, by and through her
2 attorney, Lynn Conant, Esq., and;
3

4 Neither the Plaintiff, Tamika Jones or Christopher Judson present;

5 The Notice of Motion and Motion mailed pursuant to NRCP5(b) on the
6 15th day of July;
7

8 That Ms. Conant recapped the history of the case and the Paternal
9 Grandmother's role with the children;
10

11 Intervenor, KIMBERLY WHITE, was sworn in and testified. Ms. White
12 testified that she was the care taker of the children and that she is fit and
13 competent to care for the children.
14

15 The Court was alerted it appears the parties may have fled the jurisdiction
16 and returned to their home state of Michigan and that the Intervenor is using the
17 services of a private detective to locate the parties and children;
18

19 **NOW THEREFORE,**

20 **IT IS HERBY ORDERED** that KIMBERLEY WHITE, the Paternal
21 Grandmother, is awarded Grandparent visitation;
22

23 **IT IS FURTHER ORDERED** that Ms. White has the Court's permission to
24 locate the children;
25

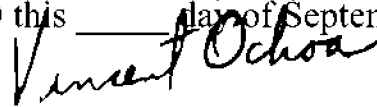
26 **IT IS FURTHER ORDERED** that a 'PICK UP ORDER' shall be issued to
27 return the children back to Nevada.
28

1 IT IS FURTHER ORDERED that Ms. White shall notify this Court within
2 72 hours of picking up the children so a hearing can be set;
3

4 IT IS FURTHER ORDERED that after the pick up of the children, Ms.
5 White shall be awarded custody of the children until there is a court hearing.
6 During the intervening time, the parents may have supervised visits while the
7 children are living with Ms. White.
8

9 IT IS SO ORDERED.

10 DATED this 14th day of September, 2020
11 DATED this 14th day of September, 2020.

12 

13 DISTRICT COURT JUDGE
14 3F8 B2E 94C9 1F59
15 Vincent Ochoa

16 Submitted by: District Court Judge

17 /s/ Lynn Conant, Esq.
18 DAMIAN R. SHEETS, ESQ.
19 Nevada Bar No. 10755
20 LYNN CONANT, ESQ.
21 Nevada Bar No. 8036
22 NEVADA DEFENSE GROUP
23 714 South 4th Street
24 Las Vegas, Nevada 89101
25 (702) 988-2600
26 lconant@defendingnevada.com
27 Attorneys for Intervener
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

Steven D. Grierson

OFFM

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Gene

vs.

Plaintiff,

Case No. 44

Department _____

Defendant.

ORDER FOR FAMILY MEDIATION
CENTER SERVICES

Pursuant to Nevada Revised Statutes 3.475 and 125.480 IT IS HEREBY ORDERED by the Court that, regarding the child(ren) at issue, the Family Mediation Center (FMC) shall provide:

☒ Mediation. _____

☐ Include Safety Protocol

☐ Child Interview. Name(s): _____

☐ Standard FMC Child Interview Questions

Additional questions/topics:

☐ Non-therapeutic Parent/Child Observation. No. of observation sessions: 1 ☐ 2 ☐ _____

Parent and Child Name(s): _____

IT IS FURTHER ORDERED that, if an interpreter is needed, it is the party's responsibility to pay the interpreter at the time services are rendered. The language needed is: ☐ Spanish ☐ Other: _____

☐ Good cause appearing, court interpreter fees waived by the Court.

IT IS FURTHER ORDERED that the cost of mediation will be assessed using a sliding scale based on each party's individual financial status.

IT IS FURTHER ORDERED that the parties must report to FMC at 601 N. Pecos Road, Las Vegas, NV 89101.

IT IS FURTHER ORDERED that, if the UNLV Mediation Clinic is in session, a referral is ☐ authorized ☐ not authorized.

DATED this _____ day of _____, 20____.

YOUR RETURN COURT DATE IS:

Date: 2-14-21 Time: 1

Vincent Ochoa

District Judge

Bar No. of Plaintiff's Attorney: 82-110

Bar No. of Defendant's Attorney: 1-1000000



MOT
DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Intervenor

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

TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
Plaintiff;	)	DEPT.: S
vs.)	
CHRISTOPHER CHARLES JUDSON,)	
Defendant.)	
vs.)	
KIMBERLY WHITE,)	
Intervenor.)	
		NO HEARING REQUESTED

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

TO: TAMIKA BEATRICE JONES, Plaintiff;
CHRISTOPHER CHARLES JUDSON, Defendant; and,
KIMBERLY WHITE, Intervenor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing on MOVANT's Motion to Withdraw, will be held in chambers, before the Eighth Judicial District Court, at the Family Court Division, Department S, located at 601 North Pecos Road, Las Vegas, Nevada 89101.

The Movant, Nevada Defense Group is not requesting an in-person hearing.

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a Notice of Hearing upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's Notice of Hearing to you by traditional means.

///

///

///

///

///

///

///

///

///

1 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

2 COMES NOW, Movant, Nevada Defense Group, Damian Sheets, Esq., and
3
4 Lynn Conant, Esq., and hereby seek an Order from this Court allowing them to
5 withdraw from representation of Intervenor, Kimberly White.

6 This Motion is made and based on all the papers and pleadings on file
7
8 herein, the Points and Authorities submitted herewith, the affidavit of
9
10 counsel attached hereto and any further evidence and argument that may be
11 adduced at the hearing of this matter.

12 **POINTS AND AUTHORITIES**

13 Rule 1.16. Declining or Terminating Representation.

14 (a) Except as stated in paragraph (c), a lawyer shall not represent a
15 client or, where representation has commenced, shall withdraw from
16 the representation of a client if:

17 ...

18 **(7) Other good cause for withdrawal exists.**

19 ...

20 (c) A lawyer must comply with applicable law requiring notice to or
21 permission of a tribunal when terminating representation. When
22 ordered to do so by a tribunal, a lawyer shall continue representation
23 notwithstanding good cause for terminating the representation.

24 ...

25 (Emphasis added)

26 Intervenor, Kimberly White, has expressed her reluctance to continue with
27 representation in this matter.

28 Based on the facts as set forth in the attached "Declaration of Lynn Conant,
Esq." and pursuant to the authorities cited above, it is respectfully requested that

1 the Court grant the Motion of NEVADA DEFENSE GROUP and consent to Mr.
2 Sheets and Ms. Conant's Withdrawal in this matter.
3

4 WHEREFORE, Nevada Defense Group asks this Court to enter its Orders:

5 1. Permitting Nevada Defense Group with withdraw as counsel of
6 record for Intervenor, Kimberly White.
7

8 2. For such further relief as may be just and necessary in the premises.
9

10 DATED this 24th day of November, 2020.

11 /s/ Lynn Conant, Esq.
12 DAMIAN R. SHEETS, ESQ.
13 Nevada Bar No. 10755
14 LYNN CONANT, ESQ.
15 Nevada Bar No. 8036
16 NEVADA DEFENSE GROUP
17 714 South 4th Street
18 Las Vegas, Nevada 89101
19 (702) 988-2600
20 lconant@defendingnevada.com

21 **DECLARATION OF MOVANT, LYNN CONANT, ESQ., IN SUPPORT OF**
22 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

23 Lynn Conant, Esq., does hereby say:
24

25 1. I am an attorney in good standing and duly licensed to practice law in
26 Nevada;
27

28 2. That I am an associate attorney with NEVADA DEFENSE GROUP;

3. That I was assigned to work Intervenor, Kimberly White in the above
captioned matter;

1 4. Last week, Ms. White stated that she could no longer afford
2 representation in this matter.
3

4 5. Ms. White paid a flat fee to the Nevada Defense Group and the scope of
5 work contracted between the parties is complete.
6

7 6. Nevada Defense Group requests to withdraw in this matter.

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

11 DATED this 24th day of November, 2020.

12 /s/ Lynn Conant, Esq.
13 Lynn Conant, Esq.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

[X] Pursuant to EDCR 8.05(a), EDCR 8.05(f) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial" by mandatory electronic service: through the Eighth Judicial District Court's electronic filing system;

/s/ Lynn Conant, Esq.
An Employee of Nevada
Defense Group

1 **MOFI**

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY, NEVADA**

6 TAMIKA BEATRICE JONES,) CASE NO.: D-19-594413-C
7 Plaintiff,) DEPT.: S
8 vs.)
9 CHRISTOPHER CHARLES)
10 JUDSON,)
11 Defendant.)
12 vs.)
13 KIMBERLY WHITE,
14 Intervenor

15 **MOTION/OPPOSITION FEE INFORMATION SHEET**

16 **Notice:** Motions and Oppositions filed after entry of a final order issued
17 pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25,
18 unless specifically excluded by NRS 19.0312. Additionally, Motions and
19 Oppositions filed in cases initiated by joint petition may be subject to an
20 additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the
21 2015 Legislative Session.

22 **Step 1.**

23 ☐ **\$25** The Motion/Opposition being filed with this form is subject to
24 the \$25 reopen fee.

25 **-OR-**

26 ☒ **\$0** The Motion/Opposition being filed with this form is not subject
27 to the \$25 reopen fee because:

28 ☒ The Motion/Opposition is being filed before a Divorce/Custody
Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of
child support established in a final order.

☐ The Motion/Opposition is for reconsideration or for a new trial, and
is being filed within 10 days after a final judgment or decree was entered. The
final order was entered on _____.

☐ Other Excluded Motion (must specify)

1 **Step 2.**

2 ☒ **\$0** The Motion/Opposition being filed with this form is not subject
3 to the \$129 or the \$57 fee because:

4 ☐ The Motion/Opposition is being filed in a case that was not initiated
5 by joint petition.

6 ☒ The party filing the Motion/Opposition previously paid a fee of \$129
7 or \$57.

8 -OR-

9 ☐ **\$129** The Motion being filed with this form is subject to the \$129
10 fee because it is a motion to modify, adjust or enforce a final order.

11 -OR-

12 ☐ **\$57** The Motion/Opposition being filing with this form is subject to
13 the \$57 fee because it is an opposition to a motion to modify, adjust or enforce
14 a final order, or it is a motion and the opposing party has already paid a fee of
15 \$129.

16 **Step 3.**

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

19 ☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

20 Party filing Motion/Opposition: Plaintiff

21 Date: 11/24/2020

22 Signature of Preparer: /s/ Lynn Conant, Esq.



CERT
DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 S. 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Intervenor

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

TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
Plaintiff;	)	DEPT.: S
vs.)	
CHRISTOPHER CHARLES JUDSON,)	
Defendant.)	
vs.)	
KIMBERLY WHITE,)	
Intervenor.)	

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 24th day of November, 2020, I mailed via
U.S. Mail, postage prepaid, in a sealed envelope the attached Motion to Withdraw
as Attorney of Record, filed November 24, 2020 addressed as follows:

Tamika Beatrice Jones
4730 E. Craig Road, Apt. 2088, Building 15
Las Vegas, NV 89115
Plaintiff, *In Proper Person*

1 Christopher Charles Judson
2 8447 Sequoia Grove Avenue
3 Las Vegas, Nevada 89149
4 Defendant, *In Proper Person*

5 I FURTHER CERTIFY that on the 24th day of November, 2020
6 I emailed the same attached document to her email addressed as follows:

7 KIMBERLY WHITE
8 kwhite_writer@hotmail.com
9 Intervenor

10 /s/ Eileen Tortuga
11 An Employee of NEVADA DEFENSE
12 GROUP
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



MOT
DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Intervenor

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

TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
Plaintiff;	)	DEPT.: S
vs.)	
CHRISTOPHER CHARLES JUDSON,)	
Defendant.)	
vs.)	
KIMBERLY WHITE,)	
Intervenor.)	
		NO HEARING REQUESTED

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

TO: TAMIKA BEATRICE JONES, Plaintiff;
CHRISTOPHER CHARLES JUDSON, Defendant; and,
KIMBERLY WHITE, Intervenor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing on MOVANT's Motion to Withdraw, will be held in chambers, before the Eighth Judicial District Court, at the Family Court Division, Department S, located at 601 North Pecos Road, Las Vegas, Nevada 89101.

The Movant, Nevada Defense Group is not requesting an in-person hearing.

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a Notice of Hearing upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's Notice of Hearing to you by traditional means.

///

///

///

///

///

///

///

///

///

1 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

2 COMES NOW, Movant, Nevada Defense Group, Damian Sheets, Esq., and
3
4 Lynn Conant, Esq., and hereby seek an Order from this Court allowing them to
5 withdraw from representation of Intervenor, Kimberly White.

6 This Motion is made and based on all the papers and pleadings on file
7
8 herein, the Points and Authorities submitted herewith, the affidavit of
9
10 counsel attached hereto and any further evidence and argument that may be
11 adduced at the hearing of this matter.

12 **POINTS AND AUTHORITIES**

13 Rule 1.16. Declining or Terminating Representation.

14 (a) Except as stated in paragraph (c), a lawyer shall not represent a
15 client or, where representation has commenced, shall withdraw from
16 the representation of a client if:

17 ...

18 **(7) Other good cause for withdrawal exists.**

19 ...

20 (c) A lawyer must comply with applicable law requiring notice to or
21 permission of a tribunal when terminating representation. When
22 ordered to do so by a tribunal, a lawyer shall continue representation
23 notwithstanding good cause for terminating the representation.

24 ...

25 (Emphasis added)

26 Intervenor, Kimberly White, has expressed her reluctance to continue with
27 representation in this matter.

28 Based on the facts as set forth in the attached "Declaration of Lynn Conant,
Esq." and pursuant to the authorities cited above, it is respectfully requested that

1 the Court grant the Motion of NEVADA DEFENSE GROUP and consent to Mr.
2 Sheets and Ms. Conant's Withdrawal in this matter.
3

4 WHEREFORE, Nevada Defense Group asks this Court to enter its Orders:

5 1. Permitting Nevada Defense Group with withdraw as counsel of
6 record for Intervenor, Kimberly White.
7

8 2. For such further relief as may be just and necessary in the premises.
9

10 DATED this 24th day of November, 2020.

11 /s/ Lynn Conant, Esq.
12 DAMIAN R. SHEETS, ESQ.
13 Nevada Bar No. 10755
14 LYNN CONANT, ESQ.
15 Nevada Bar No. 8036
16 NEVADA DEFENSE GROUP
17 714 South 4th Street
18 Las Vegas, Nevada 89101
19 (702) 988-2600
20 lconant@defendingnevada.com

21 **DECLARATION OF MOVANT, LYNN CONANT, ESQ., IN SUPPORT OF**
22 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

23 Lynn Conant, Esq., does hereby say:
24

25 1. I am an attorney in good standing and duly licensed to practice law in
26 Nevada;
27

28 2. That I am an associate attorney with NEVADA DEFENSE GROUP;

3. That I was assigned to work Intervenor, Kimberly White in the above
captioned matter;

1 4. Last week, Ms. White stated that she could no longer afford
2 representation in this matter.
3

4 5. Ms. White paid a flat fee to the Nevada Defense Group and the scope of
5 work contracted between the parties is complete.
6

7 6. Nevada Defense Group requests to withdraw in this matter.

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

11 DATED this 24th day of November, 2020.

12 /s/ Lynn Conant, Esq.
13 Lynn Conant, Esq.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Nevada Defense
3 Group, and that on this 28th day of October, 2020, I caused the MOTION TO
4 WITHDRAW to be served as follows:

5 [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f) and Administrative Order
6 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in
7 the Eighth Judicial" by mandatory electronic service: through the Eighth Judicial
8 District Court's electronic filing system;

9 [] by placing same to be deposited for mailing in the United States
10 Mail, in a sealed envelope upon which first class postage was prepaid in Las
11 Vegas, Nevada addressed to:

12
13 /s/ Lynn Conant, Esq.
14 An Employee of Nevada
15 Defense Group
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MOFI**

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY, NEVADA**

6 TAMIKA BEATRICE JONES,) CASE NO.: D-19-594413-C
7 Plaintiff,) DEPT.: S
8 vs.)
9 CHRISTOPHER CHARLES)
10 JUDSON,)
11 Defendant.)
12 vs.)
13 KIMBERLY WHITE,
14 Intervenor

15 **MOTION/OPPOSITION FEE INFORMATION SHEET**

16 **Notice:** Motions and Oppositions filed after entry of a final order issued
17 pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25,
18 unless specifically excluded by NRS 19.0312. Additionally, Motions and
19 Oppositions filed in cases initiated by joint petition may be subject to an
20 additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the
21 2015 Legislative Session.

22 **Step 1.**

23 ☐ **\$25** The Motion/Opposition being filed with this form is subject to
24 the \$25 reopen fee.

25 **-OR-**

26 ☒ **\$0** The Motion/Opposition being filed with this form is not subject
27 to the \$25 reopen fee because:

28 ☒ The Motion/Opposition is being filed before a Divorce/Custody
Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of
child support established in a final order.

☐ The Motion/Opposition is for reconsideration or for a new trial, and
is being filed within 10 days after a final judgment or decree was entered. The
final order was entered on _____.

☐ Other Excluded Motion (must specify) _____.

1 **Step 2.**

2 ☒ **\$0** The Motion/Opposition being filed with this form is not subject
3 to the \$129 or the \$57 fee because:

4 ☐ The Motion/Opposition is being filed in a case that was not initiated
by joint petition.

5 ☒ The party filing the Motion/Opposition previously paid a fee of \$129
or \$57.

6 -OR-

7 ☐ **\$129** The Motion being filed with this form is subject to the \$129
fee because it is a motion to modify, adjust or enforce a final order.

8 -OR-

9 ☐ **\$57** The Motion/Opposition being filing with this form is subject to
10 the \$57 fee because it is an opposition to a motion to modify, adjust or enforce
11 a final order, or it is a motion and the opposing party has already paid a fee of
\$129.

12 **Step 3.**

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

14 ☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

15 Party filing Motion/Opposition: Plaintiff

Date: 11/24/2020

16 Signature of Preparer: /s/ Lynn Conant, Esq.

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/25/2020 8:31 AM
Steven D. Grierson
CLERK OF THE COURT



Tamika Beatrice Jones, Plaintiff.
vs.
Christopher Charles Judson, Defendant.

Case No.: D-19-594413-C
Department S

NOTICE OF HEARING

Please be advised that the Motion to Withdraw as Attorney of Record in the above-entitled matter is set for hearing as follows:

Date: February 02, 2021
Time: No Appearance Required
Location: Courtroom 07
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court



CERT
DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LYNN CONANT, ESQ.
Nevada Bar No. 8036
NEVADA DEFENSE GROUP
714 S. 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lconant@defendingnevada.com
Attorneys for Intervenor

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

TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
Plaintiff;	)	DEPT.: S
vs.)	
CHRISTOPHER CHARLES JUDSON,)	
Defendant.)	
vs.)	
KIMBERLY WHITE,)	
Intervenor.)	

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 25th day of November, 2020, I mailed via
U.S. Mail, postage prepaid, in a sealed envelope the attached Notice of Hearing,
filed November 25, 2020 addressed as follows:

Tamika Beatrice Jones
4730 E. Craig Road, Apt. 2088, Building 15
Las Vegas, NV 89115
Plaintiff, *In Proper Person*

1 Christopher Charles Judson
2 8447 Sequoia Grove Avenue
3 Las Vegas, Nevada 89149
4 Defendant, *In Proper Person*

5 I FURTHER CERTIFY that on the 25th day of November, 2020
6 I emailed the same attached document to her email addressed as follows:

7 KIMBERLY WHITE
8 kwhite_writer@hotmail.com
9 Intervenor

10 /s/ Eileen Tortuga
11 An Employee of NEVADA DEFENSE
12 GROUP
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/25/2020 8:31 AM
Steven D. Grierson
CLERK OF THE COURT



Tamika Beatrice Jones, Plaintiff.
vs.
Christopher Charles Judson, Defendant.

Case No.: D-19-594413-C
Department S

NOTICE OF HEARING

Please be advised that the Motion to Withdraw as Attorney of Record in the above-entitled matter is set for hearing as follows:

Date: February 02, 2021
Time: No Appearance Required
Location: Courtroom 07
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court



NOA
Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-717
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NOTICE OF APPEARANCE

Notice is hereby given, that JANICE JACOVINO ESQ. of JACOVINO LAW OFFICE, hereby enters her appearance on behalf of the Intervenor, KIMBERLY WHITE, in the above-captioned action.

Dated: December 8, 2020

Respectfully Submitted,

JACOVINO LAW OFFICE

/s/ Janice Jacovino

Janice Jacovino, Esq.

6069 S. Fort Apache Rd. Suite 100

Las Vegas, NV 89148

Telephone: (702) 776-7179

Email: Info@jacovinolaw.com

Attorney for Intervenor, Kimberly White

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify that on this December 8th, 2020, I caused the above and
3 foregoing document titled **Notice Of Appearance** To be served as follows:

4 **BY FAX:** by transmitting via facsimile the document (s) listed above to the fax number
5 (s) set forth below on this date before 5:00p.m. pursuant to EDCR Rule 7.26(a). A printed
6 transmission record is attached to the file copy of the document(s).

7 X **BY MAIL:** by placing the document(s) listed above in sealed envelope(s) with postage
8 thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

9 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight
10 delivery service company for delivery to the addressee(s) on the next business day.

11 **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es)
12 of the individual(s) listed below.

13 X **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic
14 filing and service upon the Eighth Judicial District Court's Service List for the above-referenced
15 case.

16 Tamika Jones
17 4730 E Craig Rd. APT 2088 Bldg15
18 Las Vegas NV 89115

19 Christopher Judson
20 8447 Sequoia Grove Ave.
21 Las Vegas NV 89149

22 Info@defendingnevada.com

23 leonant@defendingnevada.com

24 /s/ Kathryn Zartolas
25 Assistant for Jacovino Law Office



EXMT
Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NO HEARING REQUESTED

EX PARTE MOTION FOR RETURN OF CHILDREN

COMES NOW, Intervenor, KIMBERLY WHITE, by and through her
counsel of record, JANICE JACOVINO, ESQ. of JACOVINO LAW OFFICE
hereby files this Ex Parte Motion For Return of Children.

///

1 This Motion is brought and based upon the following Points and Authorities,
2 all of the papers and pleadings on file herein, together with any argument of counsel
3 which may be had upon hearing of this matter.
4

5
6 DATED this 4th day of December 2020.
7

8 JACOVINO LAW OFFICE
9

10 /s/ Janice Jacovino

11 JANICE JACOVINO, ESQ.
12 JACOVINO LAW OFFICE
13 6069 South Fort Apache Rd. Ste 100
14 Las Vegas, Nevada 89148
15 (702) 776-7179
16 Attorney for Kimberly White

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 Tamika (Mom) and Christopher (Dad) have three children, Xy'shone Judson,
19 born November 20, 2011, Xaia Judson, born August 13, 2015, and Xionne Judson,
20 born May 3, 2019.
21

22 Parental grandmother, Kimberly White ("Kimberly") was granted visitation
23 and ability to intervene in this case on August 5, 2020. See **Exhibit 1**.
24

25 On August 31, 2020. The court ordered that Kimberly shall have visitation
26 on the 2nd weekend of the month from Friday at 5:00 pm until Sunday at 5:00 pm
27
28

1 commencing September 1, 2020, plus every 5th weekend of the month from Friday
2 5:00 pm until Sunday at 5:00 pm, on a temporarily basis. **See Exhibit “2”**.

3
4 The Court further order that during the summer, when there is no school,
5 Kimberly shall have the children for a period of seven days for vacation time.

6 At the November 3, 2020 hearing Tamika told the judge the visits are going
7 well. Kimberly confirmed her address for the Court and Tamika at this hearing. The
8 Court ordered parties to attend FMC to formulate a visitation plan for Kimberly and
9 come to an agreement regarding Christmas visitation. **See Exhibit “3”**.

10
11 Mediation is scheduled to occur by phone on January 7th, 2021. This is after
12 Christmas and the children’s Winter break.

13
14 No agreement has been reached regarding Christmas and Tamika has refused
15 contact and visitation with Kimberly until she “speaks to an attorney where she
16 currently is”. **See Exhibit 4**.

17
18 On November 13, 2020 Kimberly traveled to Tamika’s home to pick up the
19 children for the Court ordered visitation but Tamika did not appear. (**Exhibit “4”**
20 texts from Kimberly White to Tamika regarding her arrival for visitation) (**Exhibit**
21 **“6”** Las Vegas Metropolitan Police Department evidence of attempted child
22 custody exchange.)
23

24
25 Tamika was aware of Kimberly’s address as it was confirmed in the Court
26 hearing and it should also not have been an issue as Kimberly texts Tamika prior to
27
28

1 her scheduled visits and could have confirmed the information with the same text.

2 On November 17, 2020, after the missed visitation, Kimberly received texts
3 from Tamika indicating that Tamika and the children are no longer in Las Vegas,
4 Nevada inasmuch as she states, “As of right now, I’m looking into a lawyer where
5 I am.” **Exhibit “4”**.

6
7 It appears that children have again been taken out of the state by Tamika and
8 against this Court’s order. This removal is against the Court’s order and has denied
9 Kimberly her visitation with the children. Also, no agreement has been made
10 regarding the Christmas visitation.
11

12
13 Kimberly has been denied her visitation. Upon information and belief, the
14 children are no longer in Nevada.

15
16 Kimberly has been denied her Court ordered visitation with her grandchildren
17 and the children have been removed from the state of Nevada. As such Kimberly
18 requests this pickup order.

19
20 **I. LEGAL ARGUMENT**

21 **A. THE COURT SHOULD ORDER THE RETURN OF THE**
22 **CHILDREN AND ENFORCE THE CURRENT ORDERS**

23 Upon information and believe the children are no longer in Nevada. Tamika
24 and the children are not currently residing at Tamika’s Nevada residence.

25
26 Kimberly believes the Tamika and the children are again in Michigan.
27
28

1 Kimberly has been denied her visitation and is likely to be denied December and
2 Christmas visitation despite the Court's order. This is the 2nd time that Tamika has
3 removed the children against Court orders to Michigan during these proceedings.
4 See Exhibits 1-3.
5

6 Pursuant to the Court's prior order and NRS § 125C.0055 Kimberly requests
7 that the Court order the children to appear in Las Vegas, Nevada so that the Court
8 may determine what is in the children's best interest.
9

10 The court should authorize law enforcement to assist a party in obtaining
11 physical custody of a child. All orders for a party to appear with a child issued
12 pursuant to this section may be enforced by issuing a warrant of arrest against that
13 party to secure his or her appearance with the child. NRS § 125C.0055.
14
15

16 Kimberly understand that the pickup order may require the her to give 24
17 hours' notice to Tamika. Kimberly requests that no notice be given as if Tamika
18 learns that Kimberly is attempting to have the children returned to Nevada that
19 Tamika will flee from her current out of state location and further conceal the
20 children.
21

22 The Court should give this matter priority pursuant to NRS § 125C.0055 and
23 grant the pickup order and set a new hearing date once the children have been
24 returned to las Vegas.
25

26 As stated above, Kimberly was awarded grandparent visitation on the 2nd
27
28

1 weekend and 5th weekends of the month. Despite Kimberly texting Tamika about
2 her intention for Court ordered child visitation on November 13, 2020, Tamika and
3 the children were not home and the visitation did not take place. It is Kimberly's
4 belief that Tamika has fled Las Vegas, Nevada. **See Exhibits.**

6 This is the second time that Tamika has fled Nevada with the children.
7 Leaving the state is a violate of this Court's order and denies Kimberly her Court
8 order time with her grandchildren. Kimberly requests that this Court reiterate to
9 Tamika that she must honor the order for visitation, that the Court find Tamika in
10 contempt and order that the children are returned to Nevada.
11
12

13 **B. PARTIES AND CHILDREN ORDERED TO APPEAR (PICK UP**
14 **ORDER)**

15 Tamika should be immediately ordered to return to Nevada with the children.

16 **NRS 125C.0055 Order for production of child before court;**
17 **determinations concerning physical custody of child.**

18 1. If, during any action for determining the custody of a minor child,
19 either before or after the entry of a final order concerning the custody of a
20 minor child, it appears to the court that any minor child of either party has
21 been, or is likely to be, taken or removed out of this State or concealed within
22 this State, the court shall forthwith order such child to be produced before it
23 and make such disposition of the child's custody as appears most
24 advantageous to and in the best interest of the child and most likely to secure
25 to him or her the benefit of the final order or the modification or termination
26 of the final order to be made in his or her behalf.

27 2. If, during any action for determining the custody of a minor child,
28 either before or after the entry of a final order concerning the custody of a
minor child, the court finds that it would be in the best interest of the minor
child, the court may enter an order providing that a party may, with the
assistance of the appropriate law enforcement agency, obtain physical custody
of the child from the party having physical custody of the child. The order

1 must provide that if the party obtains physical custody of the child, the child
2 must be produced before the court as soon as practicable to allow the court to
3 make such disposition of the child's custody as appears most advantageous to
4 and in the best interest of the child and most likely to secure to him or her the
benefit of the final order or the modification or termination of the final order
to be made in his or her behalf.

5 3. If the court enters an order pursuant to subsection 2 providing that a
6 party may obtain physical custody of a child, the court shall order that party
7 to give the party having physical custody of the child notice at least 24 hours
8 before the time at which he or she intends to obtain physical custody of the
child, unless the court deems that requiring the notice would likely defeat the
purpose of the order.

9 4. All orders for a party to appear with a child issued pursuant to this
10 section may be enforced by issuing a warrant of arrest against that party to
secure his or her appearance with the child.

11 5. A proceeding under this section must be given priority on the court
12 calendar.

13 **NRS 125A.395 Appearance of parties and child.**

14 1. In a child custody proceeding in this state, the court may order a party
15 to the proceeding who is in this state to appear before the court in person with
16 or without the child. The court may order any person who is in this state and
who has physical custody or control of the child to appear in person with the
child.

17 2. If a party to a child custody proceeding whose presence is desired by
18 the court is outside this state, the court may order that a notice given pursuant
19 to NRS 125A.255 include a statement directing the party to appear in person
20 with or without the child and informing the party that failure to appear may
result in a decision adverse to the party.

21 3. The court may enter any orders necessary to ensure the safety of the
child and of any person ordered to appear pursuant to this section.

22 4. If a party to a child custody proceeding who is outside this state is
23 directed to appear pursuant to subsection 2 or desires to appear personally
24 before the court with or without the child, the court may require another party
to pay reasonable and necessary travel and other expenses of the party so
appearing and of the child.

1 As previously stated, upon information and belief, Tamika has fled Nevada
2 in violation of this Court's order. Kimberly requests that this Court order that
3 Tamika and the children immediately return to Las Vegas, Nevada and Kimberly
4 requests a "pick-up" order to return the children to Las Vegas, Nevada immediately.
5

6 **C. RETURNING THE CHILDREN TO NEVADA IS IN THE**
7 **CHILDREN'S BEST INTERESTS**

8 In determining a change in custody of the children, the Court must analyze
9 the NRS §125C.0035 factors.
10

11 Tamika leaving Nevada despite the pending case and denying Kimberly's
12 visitation is a substantial change in circumstances. Further, it is in the best interest
13 of the three minor children, Xy'Shone, Xaia, and Xionne for Kimberly, their
14 paternal grandmother, to be granted primary physical custody. The factors as
15 enumerated in NRS § 125C.0035, are analyzed as follows:
16

17 **(b) To a person or persons in whose home the child has been living and**
18 **where the child has had a wholesome and stable environment.**
19

20 As stated in previous motion, the three children have resided primarily with
21 Kimberly since birth. Kimberly has been the only continuous, stable factor in their
22 lives.
23

24 ///

1 **4. In determining the best interest of the child, the court shall consider**
2 **and set forth its specific findings concerning, among other things:**

3 **(a) The wishes of the child if the child is of sufficient age and capacity to**
4 **form an intelligent preference as to his or her physical custody.**

5 [NRS §125C.0035(4)(a)]

6 The children are young however, Kimberly and the children are bonded, and
7 the children want to either live with Kimberly or spend time with together with her.

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

9 [NRS §125C.0035(4)(b)]

10 For years, the children's parents have left the children in Kimberly's care.

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

13 [NRS §125C.0035(4)(c)]

14 Kimberly has never kept the children from Tamika or Christopher.
15 Kimberly's only mission is to take care of the children and keep them safe.

16 Tamika has fled Nevada twice and denied Kimberly's visitation with the
17 children as such she is unlikely to maintain the relationship between the children
18 and their grandmother.

19 **(d) The level of conflict between the parents.** [NRS §125C.0035(4)(d)]

20 The level of conflict between Christopher and Tamika is unknown at this
21 time. Kimberly had a cordial relationship with Tamika. Tamika had occasionally
22 stayed with Kimberly in the past. Kimberly thought she and Tamika were getting
23 along, Tamika told the judge the same at the least hearing, but then Tamika fled
24 Nevada.
25
26
27
28

1 **(e) The ability of the parents to cooperate to meet the needs of the child.**
2 [NRS §125C.0035(4)(e)]

3 Kimberly has proven time and again her willingness and ability to cooperate
4 with both Tamika and Christopher for the sake of the children. Unfortunately,
5 Tamika seems unwilling to cooperate with Kimberly. In addition, it is Kimberly
6 who has the ability to care for the children while Tamika has not consistently
7 resided with or provided for the children's care and needs.
8

9
10 **(f) The mental and physical health of the parents.** [NRS §125C.0035(4)(f)]

11 Kimberly is unsure of the mental stability of Tamika. However, the past
12 inability to care for the children and the times Tamika has removed the children
13 from Nevada despite, the Court order, show instability. Further, Tamika is
14 traveling out state with the children during a pandemic and with state travel
15 restrictions in place. Accordingly, Kimberly requests that a mental health evaluation
16 be ordered for Tamika and that the children be awarded to Kimberly until such time
17 as the evaluation can be reviewed by this Court.
18

19
20 **(g) The physical, developmental and emotional needs of the child.**
21 [NRS §125C.0035(4)(a)]

22 To Kimberly's knowledge, Tamika is not employed, and she does not know
23 how she is meeting the needs of the children. Kimberly has always cared for and
24 provided for the children.
25

26 ///
27
28

1 **(h) The nature of the relationship of the child with each parent.**

2 [NRS §125C.0035(4)(h)]

3 The children's time with Tamika is unstable and without routine. This is
4 evidenced by the fact that she has fled to another state in the middle of a pandemic
5
6 twice. Kimberly provides a loving, stable environment for the children.

7 **(i) The ability of the child to maintain a relationship with any sibling.**

8 [NRS §125C.0035(4)(i)]

9 The siblings will remain together with Kimberly.

10 **(j) Any history of parental abuse or neglect of the child or a sibling of the**
11 **child.** [NRS §125C.0035(4)(j)]

12 The children lived with Kimberly when their parents were unable to take care
13
14 of them.

15 **(k) Whether either parent or any other person seeking physical custody has**
16 **engaged in an act of domestic violence against the child, a parent of the child or**
17 **any other person residing with the child.** [NRS §125C.0035(4)(k)]

18 Kimberly is unsure if either parent have engaged in domestic violence.
19 Kimberly has not engaged in domestic violence.

20 **(l) Whether either parent or any other person seeking physical custody has**
21 **committed any act of abduction.** [NRS §125C.0035(4)(l)]

22 Tamika has abducted and fled with the children to another state during this
23
24 litigation and in violation of this Court's orders.

25
26 ///

1 The factors as enumerated in NRS §125C.0035, demonstrate that having the
2 children returned to Nevada and having them placed with Kimberly is in the
3 children's best interest. Pursuant to NRS §125C.004 this Honorable Court must find
4 that an award of custody to either mom or dad is detrimental to the child before it
5 can find that another person or persons are more suitable custodians.
6

7 Here, it has already been stated and argued that Kimberly is the one stable
8 force in the children's lives. Tamika has proven time and again, most recently by
9 the violation of the grandparent visitation order and by fleeing the jurisdiction, that
10 the three children are suffering in Tamika's custody.
11

12 Returning the three minor children to Kimberly and Nevada is in the
13 children's best interests.
14

15 **D. ATTORNEY'S FEES AND COSTS**

16 Kimberly should be awarded her attorney's fees and costs. Nevada Revised
17 Statutes provide that a prevailing party may recover reasonable expenses and
18 attorney's fees in the enforcement of the Child Custody and Enforcement Act. The
19 statute reads:
20

21 **NRS 125.240 Enforcement of judgment and orders:**

22 **Remedies.** The final judgment and any order made before or after judgment may
23 be enforced by the court by such order as it deems necessary. A receiver may be
24 appointed, security may be required, execution may issue, real or personal property
25 of either spouse may be sold as under execution in other cases, and disobedience of
26 any order may be punished as a contempt.
27
28

1 Here, Kimberly should be awarded attorney's fees for having to bring the
2 instant motion to enforce the child visitation order violated by Tamika. Due to the
3 contempt, Tamika should be ordered to pay attorney's fees in the amount of \$3,500
4 to Kimberly.
5

6 Additionally, pursuant to the factors enumerated in Brunzell v. Golden Gate
7 National Bank, 85 Nev. 345, 455 P.2d 31 (1969), Kimberly is entitled to attorney's
8 fees for having to bring this motion. In Brunzell the Nevada Supreme Court adopted
9 well known basic elements which in addition to hourly time schedules kept by the
10 attorney are to be considered in determining the reasonable value of an attorney's
11 service qualities. The factors are as follows:
12
13

- 14 1. The Qualities of the Advocate; his ability, his training, education
15 experience, professional standing and skill.

16 *Licensed attorney practicing Family Law for more than 10 years.*
17 *Licensed in Nevada in 2009.*
18

- 19 2. The Character of the work to be done; its difficulty, its intricacy, its
20 importance, time and skill required, the responsibility imposed and the
21 prominence and character of the parties where they affect the importance
22 of the litigation.

23 *Pleadings in a custody case and contempt case.*

- 24 3. The work actual performed by the lawyer, the skill, time and attention
25 given to the work.
26
27
28

Jacovino Law Office has spent in excess of 6 hours communicating with the client, researching the law and drafting the instant Motion. In addition, counsel will prepare and appear at the hearing.

4. The Result: whether the attorney was successful and what benefits were derived.

The client's interests have been represented and all relevant facts and law included.

Kimberly should be awarded \$1,500.00 in attorney's fees for having to bring this motion as a result of Tamika's flagrant disregard for this Court's orders and leaving the state with the children.

IV. CONCLUSION

WHEREAS Kimberly requests that this Honorable Court Order the following:

1. A pickup/ return order to immediately locate the children and bring them back to Las Vegas, Nevada to reside with Kimberly until further order of this Court.

2. Authorize any and all law enforcement agencies, to assist in retrieving the children and/or their belongings, clothing and effects.

3. Waive the notice period.

1 4. That Kimberly be awarded attorney's fees for having to bring this Motion,
2 for having to enforce court ordered visitation, and for Tamika's contempt
3 for violation of this Court's visitation order.
4

5 5. Such other relief as the Court deems appropriate.
6
7

8 DATED this 4th day of December 2020.
9

10 Submitted by:

11 JACOVINO LAW OFFICE
12

13 /s/ Janice Jacovino

14 **JANICE JACOVINO, ESQ.**

15 6069 South Fort Apache Rd. Ste 100

16 Las Vegas, Nevada 89148

17 (702) 776-7179

18 *Attorney for Kimberly White*
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, KIMBERLY WHITE, I have read the above motion and do hereby swear and affirm that the following is true and of my own knowledge and belief except as to those matters so stated and as to them, I believe them to be true:

1. I have a bond with my grandchildren. The children have lived with me for most of their lives.
2. I would like to see the children and I believe the children benefit and want to spend time with me.
3. It is my belief that Tamika has left Las Vegas, Nevada with the children.
4. Visitation did not take place on November 13, 2020 as ordered by this Court as evidenced by the Police Card and texts message. **See Exhibits 1-6.**
5. This is not the first time I have been denied visitation with my grandchildren.
6. This is not the first time Tamika has taken the children out of state during this case.
7. I should be awarded a pickup order or an order to show cause for the children to be return to Las Vegas, Nevada.

1 8. I should be awarded interim primary physical custody of the children until
2 a mental evaluation can be completed on Tamika and reported back to this
3 Court.
4

5 9. I should be awarded make-up visitation time and weekly phone time with
6 the children.
7

8 10. I am request attorney's fees in this matter because Tamika violated this
9 Court's order denying my time with the children and forcing me to bring
10 the instant motion.
11

12
13 Dated this ____ day of December 2020.
14
15
16

17
18 
19
20
21
22
23
24
25
26
27

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES,

Plaintiff/Petitioner

v.

KIMBERLY WHITE,

Defendant/Respondent

Case No. D-19-594413-CDept. S

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:											
<input checked="" type="checkbox"/>	\$0	<input type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input type="checkbox"/>	\$154

Party filing Motion/Opposition: INTERVENOR Date 12.8.2020

Signature of Party or Preparer /s/ INTERVENOR

Exhibit “1”

Exhibit “1”

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 5, 2020
	)	Time of Hearing:
CHRISTOPHER JUDSON,)	
Defendant)	

ORDER FROM AUGUST 5, 2020 HEARING

This matter, Intervenor KIMBERLY WHITE and Paternal Grandmother's Motion to (1) Intervene; (2) For An Order To Produce The Children, (3) Sole Legal And Primary Physical Custody Of The Minor Children; (4) For Child Support; (5) Visitation For Plaintiff And Defendant; (6) For Medical Coverage; (7) For Child Support And Associated Child Rearing Costs; Or In The Alternative (8) For Third Party Visitation; (9) For Attorney's Fees And Costs; And, Other Related Relief;

1 With Intervenor KIMBERLY WHITE, present, by and through her
2 attorney, Lynn Conant, Esq., and;
3

4 Neither the Plaintiff, Tamika Jones or Christopher Judson present;

5 The Notice of Motion and Motion mailed pursuant to NRCP5(b) on the
6 15th day of July;
7

8 That Ms. Conant recapped the history of the case and the Paternal
9 Grandmother's role with the children;
10

11 Intervenor, KIMBERLY WHITE, was sworn in and testified. Ms. White
12 testified that she was the care taker of the children and that she is fit and
13 competent to care for the children.
14

15 The Court was alerted it appears the parties may have fled the jurisdiction
16 and returned to their home state of Michigan and that the Intervenor is using the
17 services of a private detective to locate the parties and children;
18

19 **NOW THEREFORE,**

20 **IT IS HERBY ORDERED** that KIMBERLEY WHITE, the Paternal
21 Grandmother, is awarded Grandparent visitation;
22

23 **IT IS FURTHER ORDERED** that Ms. White has the Court's permission to
24 locate the children;
25

26 **IT IS FURTHER ORDERED** that a 'PICK UP ORDER' shall be issued to
27 return the children back to Nevada.
28

1 IT IS FURTHER ORDERED that Ms. White shall notify this Court within
2 72 hours of picking up the children so a hearing can be set;
3

4 IT IS FURTHER ORDERED that after the pick up of the children, Ms.
5 White shall be awarded custody of the children until there is a court hearing.
6 During the intervening time, the parents may have supervised visits while the
7 children are living with Ms. White.
8

9 IT IS SO ORDERED.

10 DATED this 14th day of September, 2020
11 DATED this 14th day of September, 2020.

Vincent Ochoa

12
13 DISTRICT COURT JUDGE
3F8 B2E 94C9 1F59
14 Vincent Ochoa

Submitted by: District Court Judge

15
16 /s/ Lynn Conant, Esq.
DAMIAN R. SHEETS, ESQ.
17 Nevada Bar No. 10755
18 LYNN CONANT, ESQ.
Nevada Bar No. 8036
19 NEVADA DEFENSE GROUP
20 714 South 4th Street
Las Vegas, Nevada 89101
21 (702) 988-2600
22 lconant@defendingnevada.com
23 Attorneys for Intervener
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “2”

Exhibit “2”

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 31, 2020
	)	Time of Hearing: 2:30 p.m.
CHRISTOPHER JUDSON,)	
Defendant)	
)	
vs.)	
)	
KIMBERLY WHITE,)	
Intervener.)	

ORDER FROM AUGUST 31, 2020 HEARING

This matter, having come on for hearing set by the Judiciary in this matter subsequent an Ex-Parte telephonic communication by Plaintiff, TAMIKA BEATRICE JONES.

1 TAMIKA BEATRICE JONES, appeared by audiovisual. Attorney Lynn
2 Conant appeared by audiovisual with KIMBERLY WHITE (Grandmother
3 Intervener). CHRISTOPHER CHARLES JUDSON, Defendant not present.
4

5 TAMIKA BEATRICE JONES stated she and CHRISTOPHER CHARLES
6 JUDSON live in Las Vegas and they resided together.
7

8 The Case was trailed to allow the Parties to talk. The Case resumed with
9 the Parties present as previously stated.
10

11 Ms. Conant proposed KIMBERLY WHITE have two weekend a month
12 and a referral to mediation. TAMIKA BEATRICE JONES requested an
13 opportunity to talk to CHRISTOPHER CHARLES JUDSON.
14

15 Counsel addressed the school and there was a discussion.

16 TAMIKA BEATRICE JONES wanted her mother to be involved in the
17 next hearing. Court advised TAMIKA BEATRICE JONES that if Plaintiff's
18 mother want to participate she will have to file a motion and indicate how her
19 rights are being affected.
20
21

22 COURT ORDERED, as follows:

23 IT IS HEREBY ORDERED that TAMIKA BEATRICE JONES and
24 CHRISTOPHER CHARLES JUDSON shall talk.
25

26 IT IS FURTHER ORDERED that all Parties shall be referred to Family
27 Mediation Center (FMC) to formulate a visitation plan for KIMBERLY WHITE.
28

1 IT IS FURTHER ORDERED that KIMBERLY WHITE shall have
2 visitation on the 2nd weekend of the month from Friday at 5:00 PM until Sunday
3
4 at 5:00 PM commencing September 1, 2020, plus every 5th weekend of the
5 month from Friday 5:00 PM until Sunday at 5:00 PM., on a temporarily basis.
6

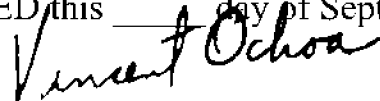
7 IT IS FURTHER ORDERED that during the summer, when there is no
8 school, KIMBERLY WHITE shall have the child for one period of seven (7)
9 days for vacation time. KIMBERLY WHITE shall select her vacation time by
10
11 April 1st every year of what week she will use her seven (7) days.

12 IT IS FURTHER ORDERED that TAMIKA BEATRICE JONES and
13
14 CHRISTOPHER CHARLES JUDSON shall select the child's school.

15 IT IS FURTHER ORDERED that Ms. Conant shall prepare the Order.

16 IT IS SO ORDERED.

17 Dated this 14th day of September, 2020
18 DATED this _____ day of September, 2020.

19 

20 DISTRICT COURT JUDGE
21 938 866 7D81 BD11
22 Vincent Ochoa

Submitted by District Court Judge

23 /s/ Lynn Conant, Esq.
24 DAMIAN R. SHEETS, ESQ.
25 Nevada Bar No. 10755
26 LYNN CONANT, ESQ.
27 Nevada Bar No. 8036
28 NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101

1 (702) 988-2600
2 lconant@defendingnevada.com
3 Attorneys for Intervener
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “3”

Exhibit “3”

Child Custody Complaint

COURT MINUTES

November 03, 2020

D-19-594413-C Tamika Beatrice Jones, Plaintiff.
vs.
Christopher Charles Judson, Defendant.

November 03, 2020 11:00 AM Return Hearing

HEARD BY: Ochoa, Vincent COURTROOM: Courtroom 07

COURT CLERK: Clayton, Yvette

PARTIES PRESENT:

Tamika Beatrice Jones, Plaintiff, Not Present Pro Se

Christopher Charles Judson, Defendant, Not Present Pro Se

Xy'Shone Christopher Judson, Subject Minor, Not Present

Xaia Mahoghany Judson, Subject Minor, Not Present

Xionne Re'my Judson, Subject Minor, Not Present

Jillian M. Tindall, Unbundled Attorney, Not Present

JOURNAL ENTRIES

Plaintiff (Mother) appeared telephonically through Blue Jeans.
Attorney Lynn Conant appeared by audiovisual with Kimberly White(Grandmother).

Because of Covid Parties appeared by alternate means.

Court noted the Order from 9/14/20. Mother stated she never received a copy.

Plaintiff provided her E-Mail address as tamikaj8092@gmail.com and address as 4730 E Craig Road apt 2088

Grandmother verified her address as 10461 Hartford Hills 89166.

Counsel indicated they never received an Order for medication. Counsel further indicated they had a copy of settlement proposal for Mother.

Mother had concerns about grandmother giving her child medication. Grandmother explained the child had bad allergies and she provided Zertex.

Christmas addressed.

COURT ORDERED, as follows:

Ms. Conant shall E-mail a copy of the 9/14/20 Order.

Parties shall be referred to Family Mediation Center (FM) to formulate a visitation plan for Grandmother. Parties shall discuss the medication at FMC.

Grandmother shall not give medication to the children unless she talks to Mother.

Parties shall try to come to an agreement regarding Christmas visitation for grandmother, if no agreement, Counsel may call Chambers after Thanksgiving to set an emergency hearing before Christmas.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Feb 04, 2021 11:00AM Return Hearing
Courtroom 07 Ochoa, Vincent

Exhibit “4”

Exhibit “4”



Tamika

[Redacted]

[Redacted]

Sat, Nov 14, 1:10 PM

[Redacted]

Tue, Nov 17, 12:50 PM

As of right now, I'm looking into a lawyer where I am. I will not be releasing my children until my lawyer tells me about Grandparent rights and my rights. Supervised visits need to be ordered for you. I am not



Apple Pay





Tamika

Tue, Nov 17, 12:50 PM

As of right now, I'm looking into a lawyer where I am. I will not be releasing my children until my lawyer tells me about Grandparent rights and my rights. Supervised visits need to be ordered for you. I am not prepared to sign any agreement neither. If you dont move or if you do give me your forwarding address. I then will forward your information to my lawyer. I regret it has come to this a senseless battle in court. I never done anything for you to cause me and your grandchildren all this stress. You know i have IBS. You know I've done nothing to deserve this yet you



Apple Pay





Tamika

You know I've done nothing to deserve this yet you continue to pressure me. You hold some of the highest degrees in your Medical field yet you insist that i release my children to you while our entire country is in a Pandemic scare. Not just that you started this mess by saying you were not receiving enough time with the children yet i call you to let you know that i was in your neighborhood 3 times and the third time you have moved. Oh no that did it you got something up your sleeve and if it had not been for the judge i would not have known where you or my children were. On that note speak to my lawyer



Apple Pay



Exhibit “5”

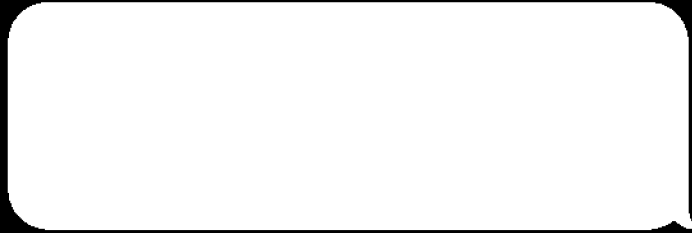
Exhibit “5”

11:23



Tamika

Fri, Nov 13, 3:18 PM



Fri, Nov 13, 4:18 PM



Apple Pay



Exhibit “6”

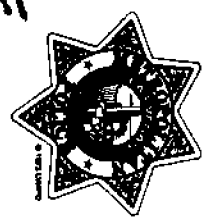
Exhibit “6”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

- ☐ Apt. Notification
- ☐ Garage Door
- ☐ Curfew Notification
- ☐ Other

- ☐ Disturbance
- ☐ Drug Activity
- ☐ Theft
- ☐ Vandalism

- ☐ Trespassing
- ☐ Domestic Violence
- ☒ Civil Stand-by



Address

4730 E COAL RD

Event #

LLV201100055119

Appt Name

MUNZANITA GONDO

Message

URGENTLY WHITE ARRIVED

ON PEOPLE

EXCLUSIVE

CONFIDENTIAL CARD

NOT WALKABLE
HOLD OF JONES



MENF
Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NO HEARING REQUESTED

**INTERVENOR, KIMBERLY WHITE'S MOTION TO ENFORCE
VISITATION ORDER, MOTION FOR CONTEMPT, MOTION FOR PICK
UP ORDER AND ATTORNEY'S FEES AND COSTS**

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

1 COMES NOW, Intervenor, KIMBERLY WHITE, by and through her
2 counsel of record, JANICE JACOVINO, ESQ. of JACOVINO LAW OFFICE and
3 brings this Motion To Enforce Visitation Order, Contempt, A Pickup Order Of
4 Minor Children And For Attorney's Fees And Costs.
5

6 This Motion is brought and based upon the following Points and Authorities,
7 all of the papers and pleadings on file herein, together with any argument of counsel
8 which may be had upon hearing of this matter.
9

10
11 DATED this 4th day of December 2020.
12

13 JACOVINO LAW OFFICE
14

15
16 /s/ Janice Jacovino
17 JANICE JACOVINO, ESQ.
18 JACOVINO LAW OFFICE
19 6069 South Fort Apache Rd. Ste 100
20 Las Vegas, Nevada 89148
21 (702) 776-7179
22 Attorney for Kimberly White
23
24
25
26
27
28

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

DATED this 4th day of December 2020.

/s/ Janice Jacovino
JANICE JACOVINO, ESQ.
JACOVINO LAW OFFICE
6069 South Fort Apache Rd. Ste 100
Las Vegas, Nevada 89148
(702) 776-7179
Attorney for Kimberly White

I. FACTS

Parental grandmother, Kimberly White (“Kimberly”) has been a consistent and stable figure in her grandchild’s lives. The children have consistently and

1 regularly lived with Kimberly. The children's parents have been in and out of their
2 lives. While the children were living with Kimberly, she provided and for all of
3 children's needs. As such she was granted the ability to intervene in this case on
4 August 5, 2020. **See Exhibit 1.**

6 At the August 5, 2020 hearing Kimberly was sworn in and testified. Kimberly
7 testified that she was consistently the primary caretaker of the children and that she
8 is fit and competent to care for the children. The Court was also alerted that despite
9 order that the children were to remain in their current school, Tamika fled the state
10 with the children and was in Michigan. **Id**

13 On August 5th, 2020 Kimberly was awarded grandparent visitation.
14 Kimberly was granted the Court's permission to locate the children. The Court
15 issued a pickup order for the to return of the children to Nevada. Once the children
16 were returned to Nevada, Kimberly was awarded custody of the children until the
17 next court hearing. During the intervening time, the parents were provided with
18 supervised visits while the children were living with Kimberly. **Id.**

21 The children were returned to Nevada and another hearing was held on
22 August 31, 2020. At this hearing the parties had the chance to speak but no
23 resolution was reached. The court ordered that Kimberly shall have visitation on
24 the 2nd weekend of the month from Friday at 5:00 pm until Sunday at 5:00 pm
25 commencing September 1, 2020, plus every 5th weekend of the month from Friday
26
27
28

1 5:00 pm until Sunday at 5:00 pm, on a temporarily basis. **See Exhibit “2”.**

2 The Court further order that during the summer, when there is no school,
3 Kimberly shall have the children for a period of seven days for vacation time.
4

5 The parties were order to FMC to formulate a visitation plan. No FMC
6 mediation occurred. **Id.**

7
8 November 3, 2020 was the next Court date. At the November 3, 2020 hearing
9 Tamika told the judge the visits are going well.

10 Kimberly confirmed her address for the Court and Tamika at this hearing.

11 The Court ordered parties to attend FMC to formulate a visitation plan for
12 Kimberly and come to an agreement regarding Christmas visitation. **See Exhibit**
13 **“3”.**
14

15 Mediation is scheduled to occur by phone on January 7th, 2021. This is after
16 Christmas and the children’s Winter break.
17

18 No agreement has been reached regarding Christmas and Tamika has refused
19 contact with Kimberly until she “speaks to an attorney where she currently is”. **See**
20 **Exhibit 4.**
21

22 On November 13, 2020 Kimberly traveled to Tamika’s home to pick up the
23 children for the Court ordered visitation but Tamika did not appear. (**Exhibit “4”**
24 texts from Kimberly White to Tamika regarding her arrival for visitation) (**Exhibit**
25 **“6”** Las Vegas Metropolitan Police Department evidence of attempted child
26
27
28

1 custody exchange.)

2 It is especially unfair for Kimberly and the children that Kimberly did not see
3 the children on her Court order time of November 13- 15, as Kimberly had planned
4 a celebration for Xy'Shone's birthday during this visit. Tamika was aware of
5 Kimberly's plans and still no visitation occurred.
6

7 Tamika was aware of Kimberly's address as it was confirmed in the Court
8 hearing and it should also not have been an issue as Kimberly texts Tamika prior to
9 her scheduled visits and could have confirmed the information with the same text.
10

11 On November 17, 2020, after the missed visitation, Kimberly received texts
12 from Tamika indicating that Tamika and the children are no longer in Las Vegas,
13 Nevada inasmuch as she states, "As of right now, I'm looking into a lawyer where
14 I am." **Exhibit "4"**.
15

16 Kimberly has been denied her court ordered visitation with her grandchildren
17 and as such files she this motion to enforce and requests that the Court order another
18 pickup order and award her make up time, and holiday time with the children.
19

20 **II. LEGAL ARGUMENT**

21 **A. MOTION TO ENFORCE COURT ORDERED VISITATION**

22 As stated above, Kimberly was awarded grandparent visitation on the 2nd
23 weekend and 5th weekends of the month. Despite Kimberly texting Tamika about
24 her intention for Court ordered child visitation on November 13, 2020, Tamika and
25
26
27
28

1 the children were not home and the visitation did not take place. It is Kimberly's
2 belief that Tamika has fled Las Vegas, Nevada. **See Exhibits.**

3
4 This is the second time that Tamika has fled Nevada with the children.
5 Leaving the state is a violate of this Court's order and denies Kimberly her Court
6 order time with her grandchildren. Kimberly requests that this Court reiterate to
7 Tamika that she must honor the order for visitation, that the Court find Tamika in
8 contempt and order that the children are returned to Nevada. Further, Kimberly
9 requests that she be awarded weekly phone communication with the three minor
10 children to maintain the relationship.
11
12

13 **B. CONTEMPT**

14 Tamika should be found guilty of contempt for removing the children from
15 Nevada and withholding the children from Kimberly.
16

17 To prevail on a motion for contempt, the movant must demonstrate to the
18 Court that the non-movant disobeyed a lawful order issued by a judge. See, NRS
19 §22.010(3). The refusal to obey a lawful order issued by the Court is an act of
20 contempt. See, NRS §22.010(3). The facts of contempt must be presented to the
21 court through an affidavit. See, NRS §22.030(2). Pursuant to NRS §53.035, a
22 declaration may be made in lieu of an affidavit.
23
24

25 A person found guilty of contempt may be fined up to \$500 for each act of
26 contempt, may be imprisoned for up to 25 days, or both. A person found guilty of
27
28

1 contempt may also be required to pay the reasonable expenses, including attorneys'
2 fees, of the person seeking to enforce the order. See, NRS §22.100.

3
4 In this case, Tamika should be found in Contempt of Court as she has violated
5 the grandparent visitation order of this Honorable Court. This is the second time in
6 case, that Tamika has again fled the jurisdiction with the three minor children in
7 violation of the Court's order.
8

9 Accordingly, Tamika should be found in Contempt of Court and Kimberly
10 requests the following penalties for same:

- 11 1. Grant a modification of custody to grant Kimberly primary physical
12 custody of the three minor children until an agreement is reach or trial is
13 conducted.
14
- 15 2. Allow Kimberly make-up visitation time with the children.
16
- 17 3. Establish a holiday visitation schedule for Christmas.
18
- 19 4. Establish a weekly phone communication schedule between Kimberly
20 and the three minor children.

21 **C. PARTIES AND CHILDREN ORDERED TO APPEAR (PICK UP**
22 **ORDER)**

23 Tamika should be immediately ordered to return to Nevada with the children.

24 **NRS 125A.395 Appearance of parties and child.**

- 25 1. In a child custody proceeding in this state, the court may order a party
26 to the proceeding who is in this state to appear before the court in person with
27 or without the child. The court may order any person who is in this state and
28

1 who has physical custody or control of the child to appear in person with the
2 child.

3 2. If a party to a child custody proceeding whose presence is desired by
4 the court is outside this state, the court may order that a notice given pursuant
5 to NRS 125A.255 include a statement directing the party to appear in person
6 with or without the child and informing the party that failure to appear may
7 result in a decision adverse to the party.

8 3. The court may enter any orders necessary to ensure the safety of the
9 child and of any person ordered to appear pursuant to this section.

10 4. If a party to a child custody proceeding who is outside this state is
11 directed to appear pursuant to subsection 2 or desires to appear personally
12 before the court with or without the child, the court may require another party
13 to pay reasonable and necessary travel and other expenses of the party so
14 appearing and of the child.

15 (Added to NRS by 2003, 99

16 As previously stated, upon information and belief, Tamika has fled Nevada
17 in violation of this Court's order. Kimberly requests that this Court order that
18 Tamika and the children immediately return to Las Vegas, Nevada. Kimberly
19 requests a "pick-up" order to return the children to Las Vegas, Nevada immediately.
20

21 **D. MODIFICATION OF CHILD CUSTODY**

22 **NRS 125C.0045 Court orders; modification or termination of orders;
23 form for orders; court may order parent to post bond if parent resides in or
24 has significant commitments in foreign country.**

25 1. In any action for determining the custody of a minor child, the court may,
26 except as otherwise provided in this section and NRS 125C.0601 to 125C.0693,
27 inclusive, and chapter 130 of NRS:

28 (a) During the pendency of the action, at the final hearing or at any time
thereafter during the minority of the child, make such an order for the custody, care,
education, maintenance and support of the minor child as appears in his or her best
interest; and

(b) At any time modify or vacate its order, even if custody was determined
pursuant to an action for divorce and the divorce was obtained by default without
an appearance in the action by one of the parties.

1 The party seeking such an order shall submit to the jurisdiction of the court for the
2 purposes of this subsection. The court may make such an order upon the application
of one of the parties or the legal guardian of the minor.

3 2. Any order for joint custody may be modified or terminated by the court
4 upon the petition of one or both parents or on the court's own motion if it is shown
5 that the best interest of the child requires the modification or termination. The court
shall state in its decision the reasons for the order of modification or termination if
6 either parent opposes it.

7 3. Any order for custody of a minor child entered by a court of another state
may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to
8 the jurisdictional requirements in chapter 125A of NRS, be modified at any time to
an order of joint custody.

9 4. A party may proceed pursuant to this section without counsel.

10 5. Any order awarding a party a limited right of custody to a child must define
that right with sufficient particularity to ensure that the rights of the parties can be
11 properly enforced and that the best interest of the child is achieved. The order must
12 include all specific times and other terms of the limited right of custody. As used in
this subsection, "sufficient particularity" means a statement of the rights in absolute
13 terms and not by the use of the term "reasonable" or other similar term which is
14 susceptible to different interpretations by the parties.

15 **NRS 125C.004 Award of custody to person other than parent.**

16 1. Before the court makes an order awarding custody to any person other than
a parent, without the consent of the parents, it shall make a finding that an award of
17 custody to a parent would be detrimental to the child and the award to a nonparent
is required to serve the best interest of the child.

18 2. No allegation that parental custody would be detrimental to the child, other
19 than a statement of that ultimate fact, may appear in the pleadings.

20 3. The court may exclude the public from any hearing on this issue.

(Added to NRS by 2015, 2585)

21 In determining a change in custody of the children, the Court must analyze
22 the NRS §125C.0035 factors. An analysis of the applicable NRS §125C.0035
23 factors clearly demonstrates that modification of the current custody orders is
24 appropriate, and Grandmother, Kimberly should be awarded custody of the minor
25 child until the next Court hearing.
26
27
28

1 The Court may modify or vacate its child custody order at any time. NRS
2 §125C.0045. When considering whether to modify physical custody, the Court
3 must determine what type of physical custody arrangement exists between the
4 parties. The Court must look at the actual physical custody timeshare the parties are
5 exercising to determine what custody arrangement is in effect. Rivero v. Rivero,
6 125 Nev. 410, 430, 216 P.3d 213, 227 (2009). Primary physical custody may be
7 modified only when “(1) there has been a substantial change in circumstances
8 affecting the welfare of the child, and (2) the modification would serve the child's
9 best interest.” Ellis v. Carucci, 123 Nev. 145, 153, 161 P.3d 239, 244 (2007).

13 Tamika leaving Nevada despite the pending case and denying Kimberly's
14 visitation is a substantial change in circumstances. Further, it is in the best interest
15 of the three minor children, Xy'Shone, Xaia, and Xionne for Kimberly, their
16 paternal grandmother, to be granted primary physical custody. The factors as
17 enumerated in NRS § 125C.0035, are analyzed as follows:

20 **(b) To a person or persons in whose home the child has been living and
21 where the child has had a wholesome and stable environment.**

22 As stated in previous motion, the three children have resided primarily with
23 Kimberly since birth. Kimberly has been the only continuous, stable factor in their
24 lives.

26 **4. In determining the best interest of the child, the court shall consider
27 and set forth its specific findings concerning, among other things:**

1 **(a) The wishes of the child if the child is of sufficient age and capacity to**
2 **form an intelligent preference as to his or her physical custody.**
3 [NRS §125C.0035(4)(a)]

4 The children are young however, Kimberly and the children are bonded, and
5 the children want to either live with Kimberly or spend time with together with her.

6 **(b) Any nomination of a guardian for the child by a parent.**
7 [NRS §125C.0035(4)(b)]

8 For years, the children's parents have left the children in Kimberly's care.

9 **(c) Which parent is more likely to allow the child to have frequent**
10 **associations and a continuing relationship with the noncustodial parent.**
11 [NRS §125C.0035(4)(c)]

12 Kimberly has never kept the children from Tamika or Christopher.
13 Kimberly's only mission is to take care of the children and keep them safe.

14 Tamika has fled Nevada twice and denied Kimberly's visitation with the
15 children as such she is unlikely to maintain the relationship between the children
16 and their grandmother.

17
18 **(d) The level of conflict between the parents.** [NRS §125C.0035(4)(d)]

19 The level of conflict between Christopher and Tamika is unknown at this
20 time. Kimberly had a cordial relationship with Tamika. Tamika had occasionally
21 stayed with Kimberly in the past. Kimberly thought she and Tamika were getting
22 along, Tamika told the judge the same at the least hearing, but then Tamika fled
23 Nevada.
24
25 Nevada.

26 ///
27
28

1 **(e) The ability of the parents to cooperate to meet the needs of the child.**
2 [NRS §125C.0035(4)(e)]

3 Kimberly has proven time and again her willingness and ability to cooperate
4 with both Tamika and Christopher for the sake of the children. Unfortunately,
5 Tamika seems unwilling to cooperate with Kimberly. In addition, it is Kimberly
6 who has the ability to care for the children while Tamika has not consistently
7 resided with or provided for the children's care and needs.
8

9
10 **(f) The mental and physical health of the parents. [NRS §125C.0035(4)(f)]**

11 Kimberly is unsure of the mental stability of Tamika. However, the past
12 inability to care for the children and the times Tamika has removed the children
13 from Nevada despite, the Court order, show instability. Further, Tamika is
14 traveling out state with the children during a pandemic and with state travel
15 restrictions in place. Accordingly, Kimberly requests that a mental health evaluation
16 be ordered for Tamika and that the children be awarded to Kimberly until such time
17 as the evaluation can be reviewed by this Court.
18

19
20 **(g) The physical, developmental and emotional needs of the child.**
21 [NRS §125C.0035(4)(a)]

22 To Kimberly's knowledge, Tamika is not employed, and she does not know
23 how she is meeting the needs of the children. Kimberly has always cared for and
24 provided for the children.
25

26 ///
27
28

1 **(h) The nature of the relationship of the child with each parent.**

2 [NRS §125C.0035(4)(h)]

3 The children's time with Tamika is unstable and without routine. This is
4 evidenced by the fact that she has fled to another state in the middle of a pandemic
5
6 twice. Kimberly provides a loving, stable environment for the children.

7 **(i) The ability of the child to maintain a relationship with any sibling.**

8 [NRS §125C.0035(4)(i)]

9 The siblings will remain together with Kimberly.

10 **(j) Any history of parental abuse or neglect of the child or a sibling of the**
11 **child.** [NRS §125C.0035(4)(j)]

12 The children lived with Kimberly when their parents were unable to take care
13
14 of them.

15 **(k) Whether either parent or any other person seeking physical custody has**
16 **engaged in an act of domestic violence against the child, a parent of the child or**
17 **any other person residing with the child.** [NRS §125C.0035(4)(k)]

18 Kimberly is unsure if either parent have engaged in domestic violence.
19 Kimberly has not engaged in domestic violence.

20 **(l) Whether either parent or any other person seeking physical custody has**
21 **committed any act of abduction.** [NRS §125C.0035(4)(l)]

22 Tamika has abducted and fled with the children to another state during this
23
24 litigation and in violation of this Court's orders.

1 The factors as enumerated in NRS §125C.0035, demonstrate that having the
2 children returned to Nevada and having them placed with Kimberly is in the
3 children's best interest.
4

5 Pursuant to NRS §125C.004 this Honorable Court must find that an award of
6 custody to either mom or dad is detrimental to the child before it can find that
7 another person or persons are more suitable custodians.
8

9 Here, it has already been stated and argued that Kimberly is the one stable
10 force in the children's lives. Tamika has proven time and again, most recently by
11 the violation of the grandparent visitation order and by fleeing the jurisdiction, that
12 the three children are suffering in Tamika's custody.
13

14 An award of custody to either Tamika or Christopher is detrimental to the
15 well-being on the three minor children and their Custody should be awarded to
16 Kimberly, their grandmother, the only stable force in their lives.
17

18 **E. ATTORNEY'S FEES AND COSTS**

19 Kimberly should be awarded her attorney's fees and costs. Nevada Revised
20 Statutes provide that a prevailing party may recover reasonable expenses and
21 attorney's fees in the enforcement of the Child Custody and Enforcement Act. The
22 statute reads:
23
24

25 ///

1 **NRS 125.240 Enforcement of judgment and orders:**

2 **Remedies.** The final judgment and any order made before or after judgment may
3 be enforced by the court by such order as it deems necessary. A receiver may be
4 appointed, security may be required, execution may issue, real or personal property
5 of either spouse may be sold as under execution in other cases, and disobedience of
any order may be punished as a contempt.

6 Here, Kimberly should be awarded attorney's fees for having to bring the
7 instant motion to enforce the child visitation order violated by Tamika. Due to the
8 contempt, Tamika should be ordered to pay attorney's fees in the amount of \$3,500
9 to Kimberly.
10

11 Additionally, pursuant to the factors enumerated in Brunzell v. Golden Gate
12 National Bank, 85 Nev. 345, 455 P.2d 31 (1969), Kimberly is entitled to attorney's
13 fees for having to bring this motion. In Brunzell the Nevada Supreme Court adopted
14 well known basic elements which in addition to hourly time schedules kept by the
15 attorney are to be considered in determining the reasonable value of an attorney's
16 service qualities. The factors are as follows:
17
18

- 19
- 20 1. The Qualities of the Advocate; his ability, his training, education
21 experience, professional standing and skill.

22 *Licensed attorney practicing Family Law for more than 10 years.*

23 *Licensed in Nevada in 2009.*

- 24 2. The Character of the work to be done; its difficulty, its intricacy, its
25 importance, time and skill required, the responsibility imposed and the
26 prominence and character of the parties where they affect the importance
27 of the litigation.
28

1 *Pleadings in a custody case and contempt case.*

- 2 3. The work actual performed by the lawyer, the skill, time and attention
3 given to the work.

4 *Jacovino Law Office has spent in excess of 6 hours communicating with*
5 *the client, researching the law and drafting the instant Motion. In*
6 *addition, counsel will prepare and appear at the hearing.*

- 7 4. The Result: whether the attorney was successful and what benefits were
8 derived.

9 *The client's interests have been represented and all relevant facts and law*
10 *included.*

11 Kimberly should be awarded \$3,500.00 in attorney's fees for having to bring
12 this motion as a result of Tamika's flagrant disregard for this Court's orders.

13 **IV. CONCLUSION**

14 WHEREAS Kimberly requests that this Honorable Court Order:

- 15 1. That Tamika is in contempt of this Court's order for Kimberly's
16 grandparent visitation and for fleeing the state.
17 2. That child custody be changed to Kimberly having primary custody of the
18 minor children as a result of Tamika's violation of this Court's order.
19 3. That visitation resume immediately.
20 4. That Kimberly be granted telephone contact with the children weekly.
21
22
23
24
25
26
27
28

- 1 5. A pickup order to immediately locate the children and bring them back to
2 Las Vegas, Nevada to reside with Kimberly until further order of this
3 Court.
4
5 6. A mental evaluation for Tamika regarding her ability to be a stable
6 influence in her children's lives.
7
8 7. That Kimberly be awarded attorney's fees for having to bring this Motion,
9 for having to enforce court ordered visitation, and for Tamika's contempt
10 for violation of this Court's visitation order.
11
12 8. Such other relief as the Court deems appropriate.

13
14
15 DATED this 4th day of December 2020.

16
17 Submitted by:

18 JACOVINO LAW OFFICE

19 /s/ Janice Jacovino
20 **JANICE JACOVINO, ESQ.**
21 6069 South Fort Apache Rd. Ste 100
22 Las Vegas, Nevada 89148
23 (702) 776-7179
24 *Attorney for Kimberly White*
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

[illegible]

I, KIMBERLY WHITE, I have read the above motion and do hereby swear and affirm that the following is true and of my own knowledge and belief except as to those matters so stated and as to them, I believe them to be true:

1. I have a bond with my grandchildren. The children have lived with me for most of their lives.
2. I would like to see the children and I believe the children benefit and want to spend time with me.
3. It is my belief that Tamika has left Las Vegas, Nevada with the children.
4. Visitation did not take place on November 13, 2020 as ordered by this Court as evidenced by the Police Card and texts message. **See Exhibits 1-6.**
5. This is not the first time I have been denied visitation with my grandchildren.
6. This is not the first time Tamika has taken the children out of state during this case.
7. I should be awarded a pickup order or an order to show cause for the children to be return to Las Vegas, Nevada.

1 8. I should be awarded interim primary physical custody of the children until
2 a mental evaluation can be completed on Tamika and reported back to this
3 Court.
4

5 9. I should be awarded make-up visitation time and weekly phone time with
6 the children.
7

8 10. I am request attorney's fees in this matter because Tamika violated this
9 Court's order denying my time with the children and forcing me to bring
10 the instant motion.
11

12
13 Dated this ____ day of December 2020.
14
15
16

17
18 
19
20
21
22
23
24
25
26
27

TITLE	White motion to enforce . 2.pdf
FILE NAME	White%20motion%20...force%20.%202.pdf
DOCUMENT ID	6ec6d37cd4d5292bc0ebd000becda0052f7f10df
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	Completed

This document was requested from app.clio.com

Document History



SENT

12 / 05 / 2020

00:05:04 UTC

Sent for signature to Kimberly White
(beautyandbooks2003@yahoo.com) from info@jacovinolaw.com
IP: 174.72.172.95



VIEWED

12 / 05 / 2020

05:51:29 UTC

Viewed by Kimberly White (beautyandbooks2003@yahoo.com)
IP: 70.180.133.142



SIGNED

12 / 05 / 2020

05:53:56 UTC

Signed by Kimberly White (beautyandbooks2003@yahoo.com)
IP: 70.180.133.142



COMPLETED

12 / 05 / 2020

05:53:56 UTC

The document has been completed.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, JANICE JACOVINO, do hereby swear and affirm that the following is true and of my own knowledge and belief except as to those matters so stated and as to them, I believe them to be true:

1. I am a licensed attorney practicing Family Law for more than 10 years.
Licensed in Nevada in 2009.
2. Jacovino Law Office has spent in excess of 6 hours communicating with the client, reviewing documents, researching the relevant case law and drafting the instant Motion and will spend additional time preparing and attending the court hearings.
3. The client's interests have been represented and all relevant facts and law included.
4. Kimberly should be awarded \$3,500.00 in attorney's fees for having to bring this Motion for Tamika's failure to follow the court's orders.

Dated: December 4th, 2020.

/s/ Janice Jacovino, Esq.
JANICE JACOVINO, ESQ.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

____ **BY FAX:** by transmitting via facsimile the document (s) listed above to the fax number (s) set forth below on this date before 5:00p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of the document(s).

____ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

____ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Eighth Judicial District Court's Service List for the above-referenced case.

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas NV 89149

413

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES,

Plaintiff/Petitioner

v.

KIMBERLY WHITE,

Defendant/Respondent

Case No. D-19-594413-CDept. S

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:											
<input checked="" type="checkbox"/>	\$0	<input type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input type="checkbox"/>	\$154

Party filing Motion/Opposition: INTERVENOR Date 12.8.2020

Signature of Party or Preparer /s/ INTERVENOR

Exhibit “1”

Exhibit “1”

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 5, 2020
	)	Time of Hearing:
CHRISTOPHER JUDSON,)	
Defendant)	

ORDER FROM AUGUST 5, 2020 HEARING

This matter, Intervenor KIMBERLY WHITE and Paternal Grandmother's Motion to (1) Intervene; (2) For An Order To Produce The Children, (3) Sole Legal And Primary Physical Custody Of The Minor Children; (4) For Child Support; (5) Visitation For Plaintiff And Defendant; (6) For Medical Coverage; (7) For Child Support And Associated Child Rearing Costs; Or In The Alternative (8) For Third Party Visitation; (9) For Attorney's Fees And Costs; And, Other Related Relief;

1 With Intervenor KIMBERLY WHITE, present, by and through her
2 attorney, Lynn Conant, Esq., and;
3

4 Neither the Plaintiff, Tamika Jones or Christopher Judson present;

5 The Notice of Motion and Motion mailed pursuant to NRCP5(b) on the
6 15th day of July;
7

8 That Ms. Conant recapped the history of the case and the Paternal
9 Grandmother's role with the children;
10

11 Intervenor, KIMBERLY WHITE, was sworn in and testified. Ms. White
12 testified that she was the care taker of the children and that she is fit and
13 competent to care for the children.
14

15 The Court was alerted it appears the parties may have fled the jurisdiction
16 and returned to their home state of Michigan and that the Intervenor is using the
17 services of a private detective to locate the parties and children;
18

19 **NOW THEREFORE,**

20 **IT IS HERBY ORDERED** that KIMBERLEY WHITE, the Paternal
21 Grandmother, is awarded Grandparent visitation;
22

23 **IT IS FURTHER ORDERED** that Ms. White has the Court's permission to
24 locate the children;
25

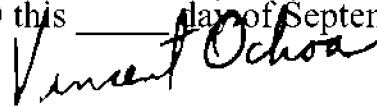
26 **IT IS FURTHER ORDERED** that a 'PICK UP ORDER' shall be issued to
27 return the children back to Nevada.
28

1 IT IS FURTHER ORDERED that Ms. White shall notify this Court within
2 72 hours of picking up the children so a hearing can be set;
3

4 IT IS FURTHER ORDERED that after the pick up of the children, Ms.
5 White shall be awarded custody of the children until there is a court hearing.
6 During the intervening time, the parents may have supervised visits while the
7 children are living with Ms. White.
8

9 IT IS SO ORDERED.

10 DATED this 14th day of September, 2020
11 DATED this 14th day of September, 2020.



12
13 DISTRICT COURT JUDGE
3F8 B2E 94C9 1F59
14 Vincent Ochoa

Submitted by: District Court Judge

15
16 /s/ Lynn Conant, Esq.
DAMIAN R. SHEETS, ESQ.
17 Nevada Bar No. 10755
18 LYNN CONANT, ESQ.
Nevada Bar No. 8036
19 NEVADA DEFENSE GROUP
20 714 South 4th Street
Las Vegas, Nevada 89101
21 (702) 988-2600
22 lconant@defendingnevada.com
23 Attorneys for Intervener
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “2”

Exhibit “2”

DAMIAN R. SHEETS, ESQ.
Nevada Bar No. 10755
LESLEY E. COHEN, ESQ.
Nevada Bar No. 6605
NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101
(702) 988-2600
lcohen@defendingnevada.com
Attorneys for Intervener

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

TAMIKA JONES,	)	CASE NO.: D-19-594413-C
	)	DEPT.: S
Plaintiff)	
vs.	)	Date of Hearing: August 31, 2020
	)	Time of Hearing: 2:30 p.m.
CHRISTOPHER JUDSON,)	
Defendant)	
)	
vs.)	
)	
KIMBERLY WHITE,)	
Intervener.)	

ORDER FROM AUGUST 31, 2020 HEARING

This matter, having come on for hearing set by the Judiciary in this matter subsequent an Ex-Parte telephonic communication by Plaintiff, TAMIKA BEATRICE JONES.

1 TAMIKA BEATRICE JONES, appeared by audiovisual. Attorney Lynn
2 Conant appeared by audiovisual with KIMBERLY WHITE (Grandmother
3 Intervener). CHRISTOPHER CHARLES JUDSON, Defendant not present.

4
5 TAMIKA BEATRICE JONES stated she and CHRISTOPHER CHARLES
6 JUDSON live in Las Vegas and they resided together.
7

8 The Case was trailed to allow the Parties to talk. The Case resumed with
9 the Parties present as previously stated.
10

11 Ms. Conant proposed KIMBERLY WHITE have two weekend a month
12 and a referral to mediation. TAMIKA BEATRICE JONES requested an
13 opportunity to talk to CHRISTOPHER CHARLES JUDSON.
14

15 Counsel addressed the school and there was a discussion.

16 TAMIKA BEATRICE JONES wanted her mother to be involved in the
17 next hearing. Court advised TAMIKA BEATRICE JONES that if Plaintiff's
18 mother want to participate she will have to file a motion and indicate how her
19 rights are being affected.
20
21

22 COURT ORDERED, as follows:

23 IT IS HEREBY ORDERED that TAMIKA BEATRICE JONES and
24 CHRISTOPHER CHARLES JUDSON shall talk.
25

26 IT IS FURTHER ORDERED that all Parties shall be referred to Family
27 Mediation Center (FMC) to formulate a visitation plan for KIMBERLY WHITE.
28

1 IT IS FURTHER ORDERED that KIMBERLY WHITE shall have
2 visitation on the 2nd weekend of the month from Friday at 5:00 PM until Sunday
3
4 at 5:00 PM commencing September 1, 2020, plus every 5th weekend of the
5 month from Friday 5:00 PM until Sunday at 5:00 PM., on a temporarily basis.

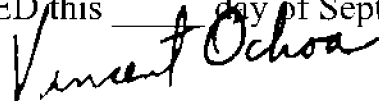
6
7 IT IS FURTHER ORDERED that during the summer, when there is no
8 school, KIMBERLY WHITE shall have the child for one period of seven (7)
9 days for vacation time. KIMBERLY WHITE shall select her vacation time by
10
11 April 1st every year of what week she will use her seven (7) days.

12 IT IS FURTHER ORDERED that TAMIKA BEATRICE JONES and
13
14 CHRISTOPHER CHARLES JUDSON shall select the child's school.

15 IT IS FURTHER ORDERED that Ms. Conant shall prepare the Order.

16 IT IS SO ORDERED.

17 Dated this 14th day of September, 2020
18 DATED this _____ day of September, 2020.

19 

20 DISTRICT COURT JUDGE
21 938 866 7D81 BD11
22 Vincent Ochoa

Submitted by District Court Judge

23 /s/ Lynn Conant, Esq.
24 DAMIAN R. SHEETS, ESQ.
25 Nevada Bar No. 10755
26 LYNN CONANT, ESQ.
27 Nevada Bar No. 8036
28 NEVADA DEFENSE GROUP
714 South 4th Street
Las Vegas, Nevada 89101

1 (702) 988-2600
2 lconant@defendingnevada.com
3 Attorneys for Intervener
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 9/14/2020

15 Family Paralegal info@defendingnevada.com
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “3”

Exhibit “3”

Child Custody Complaint

COURT MINUTES

November 03, 2020

D-19-594413-C Tamika Beatrice Jones, Plaintiff.
vs.
Christopher Charles Judson, Defendant.

November 03, 2020 11:00 AM Return Hearing

HEARD BY: Ochoa, Vincent COURTROOM: Courtroom 07

COURT CLERK: Clayton, Yvette

PARTIES PRESENT:

Tamika Beatrice Jones, Plaintiff, Not Present Pro Se

Christopher Charles Judson, Defendant, Not Present Pro Se

Xy'Shone Christopher Judson, Subject Minor, Not Present

Xaia Mahoghany Judson, Subject Minor, Not Present

Xionne Re'my Judson, Subject Minor, Not Present

Jillian M. Tindall, Unbundled Attorney, Not Present

JOURNAL ENTRIES

Plaintiff (Mother) appeared telephonically through Blue Jeans.
Attorney Lynn Conant appeared by audiovisual with Kimberly White(Grandmother).

Because of Covid Parties appeared by alternate means.

Court noted the Order from 9/14/20. Mother stated she never received a copy.

Plaintiff provided her E-Mail address as tamikaj8092@gmail.com and address as 4730 E Craig Road apt 2088

Grandmother verified her address as 10461 Hartford Hills 89166.

Counsel indicated they never received an Order for medication. Counsel further indicated they had a copy of settlement proposal for Mother.

Mother had concerns about grandmother giving her child medication. Grandmother explained the child had bad allergies and she provided Zertex.

Christmas addressed.

COURT ORDERED, as follows:

Ms. Conant shall E-mail a copy of the 9/14/20 Order.

Parties shall be referred to Family Mediation Center (FM) to formulate a visitation plan for Grandmother. Parties shall discuss the medication at FMC.

Grandmother shall not give medication to the children unless she talks to Mother.

Parties shall try to come to an agreement regarding Christmas visitation for grandmother, if no agreement, Counsel may call Chambers after Thanksgiving to set an emergency hearing before Christmas.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Feb 04, 2021 11:00AM Return Hearing
Courtroom 07 Ochoa, Vincent

Exhibit “4”

Exhibit “4”



Tamika

[Redacted text]

[Redacted text]

Sat, Nov 14, 1:10 PM

[Redacted text]

Tue, Nov 17, 12:50 PM

As of right now, I'm looking into a lawyer where I am. I will not be releasing my children until my lawyer tells me about Grandparent rights and my rights. Supervised visits need to be ordered for you. I am not



Apple Pay





Tamika

Tue, Nov 17, 12:50 PM

As of right now, I'm looking into a lawyer where I am. I will not be releasing my children until my lawyer tells me about Grandparent rights and my rights. Supervised visits need to be ordered for you. I am not prepared to sign any agreement neither. If you dont move or if you do give me your forwarding address. I then will forward your information to my lawyer. I regret it has come to this a senseless battle in court. I never done anything for you to cause me and your grandchildren all this stress. You know i have IBS. You know I've done nothing to deserve this yet you



Apple Pay





Tamika

You know I've done nothing to deserve this yet you continue to pressure me. You hold some of the highest degrees in your Medical field yet you insist that i release my children to you while our entire country is in a Pandemic scare. Not just that you started this mess by saying you were not receiving enough time with the children yet i call you to let you know that i was in your neighborhood 3 times and the third time you have moved. Oh no that did it you got something up your sleeve and if it had not been for the judge i would not have known where you or my children were. On that note speak to my lawyer



Apple Pay



Exhibit “5”

Exhibit “5”

11:23



Tamika

Fri, Nov 13, 3:18 PM



Fri, Nov 13, 4:18 PM



Apple Pay



Exhibit “6”

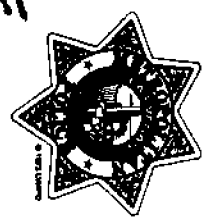
Exhibit “6”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

- ☐ Apt. Notification
- ☐ Garage Door
- ☐ Curfew Notification
- ☐ Other

- ☐ Disturbance
- ☐ Drug Activity
- ☐ Theft
- ☐ Vandalism

- ☐ Trespassing
- ☐ Domestic Violence
- ☒ Civil Stand-by



Address

4730 E COAL RD

Message

LLV201100055119

Appt. Name

MUNZANITA GONDO; KIMBERLY WHITE ARRIVED

Event #

EXCHANGE

ON PEOPLE'S COURT OFFICER CUSTODY
EXCHANGE JAMES WAS NOT
CONTACTED WHILE
IN CUSTODY OF JAMES.

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
12/10/2020 9:13 AM
Steven D. Grierson
CLERK OF THE COURT



Tamika Beatrice Jones, Plaintiff.
vs.
Christopher Charles Judson, Defendant.

Case No.: D-19-594413-C
Department S

NOTICE OF HEARING

Please be advised that the Intervenor Kimbrly White's Motion to Enforce Visitation Order, Motion for contempt, Motion for Pick Up Order and Attorney's Fees and Costs in the above-entitled matter is set for hearing as follows:

Date: February 02, 2021
Time: No Appearance Required
Location: Courtroom 07
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court



1 **EXMT**

2 Janice Jacovino, Esq.

3 Nevada Bar No. 11612

4 **JACOVINO LAW OFFICE**

5 6069 S. Fort Apache Rd. Suite 100

6 Las Vegas, NV 89148

7 Telephone: (702) 776-7179

8 Email: Info@jacovinolaw.com

9 *Attorney for Intervenor,*

10 Kimberly White

11 **DISTRICT COURT**
12 **FAMILY COURT DIVISION**
13 **CLARK COUNTY, NEVADA**

14 TAMIKA BEATRICE JONES,
15 PLAINTIFF,

16 v.

17 CHRISTOPHER CHARLES JUDSON,
18 DEFENDANT,

19 v.

20 KIMBERLY WHITE,
21 INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NO HEARING REQUESTED

22 **EX PARTE MOTION FOR AN ORDER SHORTENING TIME**

23 COMES NOW, Intervenor, KIMBERLY WHITE, by and through her
24 counsel of record, JANICE JACOVINO, ESQ. of JACOVINO LAW OFFICE and
25 hereby files hereby files her Ex Parte Motion for an Order Shortening Time pursuant
26 to EDCR 5.514, and requests that this Court shorten the time in which to hear her
27 Motion To Enforce Visitation Order, Contempt, A Pickup Order Of Minor Children
28

1 And For Attorney's Fees And Costs. The motion is scheduled to be heard on
2 February 2, 2021.

3
4 All parties have been served with the Motion, Notice of Hearing and the
5 February 2, 2021. The parties also have return hearing date on February 4, 2021

6 This application is based upon the pleadings and papers on file and the
7 declaration attached to this motion, the concurrently filed Emergency Motion, and
8 the argument of counsel as may be permitted at the hearing on this matter.
9

10
11 DATED this 16th day of December 2020.
12

13 JACOVINO LAW OFFICE
14

15 /s/ Janice Jacovino
16 JANICE JACOVINO, ESQ.
17 JACOVINO LAW OFFICE
18 6069 South Fort Apache Rd. Ste 100
19 Las Vegas, Nevada 89148
20 (702) 776-7179
21 Attorney for Kimberly White
22

23
24
25
26
27
28
///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, JANICE JACOVINO, do hereby swear and affirm that the following is true and of my own knowledge and belief except as to those matters so stated and as to them, I believe them to be true:

1. I am a licensed attorney practicing Family Law for more than 10 years.
Licensed in Nevada in 2009.
2. I represent Intervenor, Kimberly White in the above captioned matter.
3. Defendant filed her Motion To Enforce the Visitation Order, Contempt, A Pickup Order of the Minor Children and for Attorney's Fees and Costs and the Ex Parte Motion for a Pickup Order filed on December 8, 2020 .
4. The parties have an hearing on the Motion on February 2, 2021.
5. The parties also have a return hearing on February 4, 2021.
6. This Order Shortening Time is sought because Kimberly White is being alienated from her grandchildren. She has been denied the last two Court ordered visitations (November and December).

- 1 7. The Court also ordered Ms. White and the children's mother to effectuate
2 a Christmas visitation plan. No holiday visitation has been agreed upon.
3
4 8. Upon information and belief, the children's mother, Tamika Jones has
5 fled the state of Nevada with the children and is believed to be in Detroit,
6 Michigan. Ms. White's Motion and the Exparte Request for the Pickup
7 Order states the same.
8
9 9. As such, due to the harm to the children, alienation and denial of
10 visitation, the Motion and Exparte Request should be heard on shorten
11 time.
12

13 *Sworn to on this day on 16th of December under penalty of perjury under*
14 *the laws of the state of Nevada.*

15 Dated: December 16, 2020
16
17
18

19 //s/ Janice Jacovino
20 JANICE JACOVINO, ESQ.
21 JACOVINO LAW OFFICE
22 6069 South Fort Apache Rd. Ste 100
23 Las Vegas, Nevada 89148
24 (702) 776-7179
25 Attorney for Kimberly White
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

____ **BY FAX:** by transmitting via facsimile the document (s) listed above to the fax number (s) set forth below on this date before 5:00p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of the document(s).

 BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and service upon the Eighth Judicial District Court's Service List for the above-referenced case.

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas NV 89149

442



SUBT
JANICE JACOVINO, ESQ.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S Fort Apache Blvd., Suite 100
Las Vegas, Nevada 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
*Attorneys for Intervenor,
Grandmother-Kimberly White*

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

TAMIKA BEATRICE JONES,
Plaintiff,

v.

CHRISTOPHER CHARLES JUDSON,
Defendant,

v

KIMBERLY WHITE,
Intervenor.

CASE NO.: D-19-594413-C

DEPT. NO.: S

SUBSTITUTION OF COUNSEL


THE COURT AND ALL PARTIES ARE NOTIFIED that Intervenor, KIMBERLY WHITE makes the following Substitution of Counsel.

IT IS HEREBY STIPULATED AND AGREED that Janice Jacovino, Esq. of Jacovino Law office is substituted in the place of Nevada Defense Group, Damian Sheets, Esq., and Lynn Conant, Esq., as counsel for Intervenor, Kimberly White.


///


1 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
2 Kimberly White.

3
4 Dated this 25th day of November 2020

5 
6 Janice Jacovino, Esq.

7
8 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
9 Kimberly White.

10 Dated this  day of November 2020

11
12 
13 Nevada Defense Group
14 Damian Sheets, Esq., or Lynn Conant, Esq.

15 The undersigned client hereby consents to the substitution of Janice Jacovino, Esq. as her new
16 counsel of record.

17 Dated this day of November 2020

18
19
20 _____
21 Kimberly White.

22 Submitted by:

23 **JACOVINO LAW OFFICE**

24 /s/ Janice Jacovino
25 Janice Jacovino, Esq.
26 Nevada Bar No. 11612
27 6069 S Fort Apache Blvd., Suite 100
28 Las Vegas, Nevada 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorneys for Intervenor

1 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
2 Kimberly White.

3
4 Dated this 25th day of November 2020

5
6 Janice Jacovino, Esq.

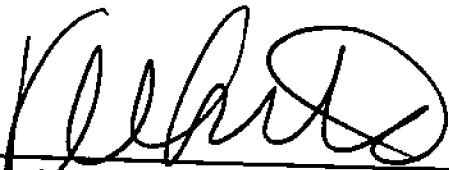
7
8 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
9 Kimberly White.

10
11 Dated this day of November 2020

12
13 Nevada Defense Group
14 Damian Sheets, Esq., or Lynn Conant, Esq.

15 The undersigned client hereby consents to the substitution of Janice Jacovino, Esq. as her new
16 counsel of record.

17
18 Dated this day of November 2020

19
20 
21 Kimberly White.

22 Submitted by:

23 **JACOVINO LAW OFFICE**

24 /s/ Janice Jacovino

25 Janice Jacovino, Esq.

26 Nevada Bar No. 11612

6069 S Fort Apache Blvd., Suite 100

Las Vegas, Nevada 89148

Telephone: (702) 776-7179

Email: Info@jacovinolaw.com

Attorneys for Intervenor

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

X **BY MAIL:** by placing the document(s) listed above in sealed envelope(s) with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

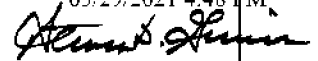
____ **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es) of the individual(s) listed below.

X **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Eighth Judicial District Court's Service List for the above-referenced case.

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas NV 89149

lconant@defendingnevada.com

/s/ Kathryn Zartolas
Assistant for Jacovino Law Office



CLERK OF THE COURT

ORDR

Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES
JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

**ORDER FROM THE FROM THE
FEBRUARY 24, 2021 HEARING**

This matter came on for hearing on the 24th day of February 2021, for a Return from FMC, Intervenor's Attorney's Motion To Withdraw As Attorney Of Record And Intervenor Kimberly White's Motion To Enforce The Visitation Order, Motion For Contempt, Motion For An Pick Up Order And Attorney's Fees Costs.

Attorney Janice Jacovino, Esq. appeared on behalf of Intervenor, Grandmother, Kimberly White's ("Intervenor") who was also present. No other party appeared at the hearing.

1 Ms. Jacovino indicated that she believed Plaintiff (mother) was out of state
2 with the children. Counsel further indicated that grandmother did not get her
3 visitation over the Christmas holidays. Counsel argued that mother abducted the
4 children and is in Michigan. Counsel requested contempt and to have the children
5 to be brought back to Nevada and for make-up time.
6

7
8 The Court explained it is hard for the children's mother to be charged with
9 abduction. The Court noted Defendant (Dad) has not participated recently in the
10 proceedings.
11

12 The court allowed additional discussion and with the Court being fully
13 informed, hearing arguments and finding good cause stated its FINDINGS and
14 ORDERED as following:
15

16 **1. IT IS HEREBY ORDERED** that temporarily grandmother shall have
17 telephone contact with the children on Tuesday and Thursday at 6:00 PM or
18 6:30 PM Michigan time.
19

20 **2. IT IS FURTHER ORDERED** that temporarily if Mother is going to reside
21 in Michigan, grandmother shall get 2-3 weeks in the summer, one week
22 spring and one week in the winter.
23

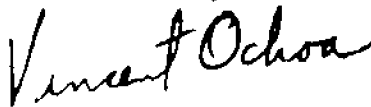
24 **3. IT IS FURTHER ORDERED** that a pick-up order is ISSUED asking the
25 law enforcement in Nevada and Michigan to assist. No arrest or warrants
26 language shall be in the pick-up order. Once the children are back in
27
28

1 Nevada, Counsel shall notify the Court within 72 hours of the children
2 being picked up and a hearing will be scheduled.

3
4 **4. IT IS FURTHER ORDERED** that at that hearing, a trial will be set, and
5 contempt will be discussed.

6 **5. IT IS FURTHER ORDERED** that Ms. Jacovino shall explain that
7 contempt will be for taking the children out of state without permission,
8 denying grandmother visitation (weekend and holiday visitations) which
9 she was fully aware off. Counsel shall be very specific in the order
10 pertaining to contempt.
11
12

13 Dated this 29th day of March, 2021

14 

15
16 DISTRICT COURT JUDGE
17 C6A D88 C8A6 636C
Vincent Ochoa
District Court Judge

18 Prepared and Submitted by:

19
20 **JACOVINO LAW OFFICE**

21 Janice Jacovino

22 Janice Jacovino, Esq.
23 Nevada Bar No. 11612
24 6069 S. Fort Apache Rd. Suite 100
25 Las Vegas, NV 89148
26 Telephone: (702) 776-7179
27 Email: Info@jacovinolaw.com
28 *Attorney for Intervenor,*
Kimberly White

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

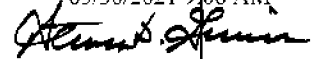
5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 3/29/2021

15 Family Paralegal info@defendingnevada.com
16 Lynn Conant lconant@defendingnevada.com
17 Janice Jacovino info@jacovinolaw.com
18 Eileen Tortuga tortuga@defendingnevada.com
19 Cynthia Ruelas cynthia@defendingnevada.com
20
21
22
23
24
25
26
27
28



CLERK OF THE COURT

ORDR
Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

**ORDER FOR RETURN OF
CHILDREN**

Intervenor, KIMBERLY WHITE, ("Kimberly") filed an Ex Parte Motion For Return of Children on December 8, 2020. Kimberly who was awarded visitation by the Court also filed a Motion To Enforce Visitation Order, Contempt, A Pickup Order Of Minor Children And For Attorney's Fees And Costs. There was a hearing for the same on February 24, 2021.

1 During these proceedings the children were to remain in the Nevada.
2 Kimberly was to have regularly scheduled visitation and holiday visitation, at the
3 time of filing the Motion at least two the scheduled visitations were missed due to
4 Tamika leaving the jurisdiction with the children.
5

6 The Court being fully informed, hearing arguments, finding good cause and
7 having jurisdictions ORDERED the following:
8

9 THE COURT FINDS that custody and visitation of the following children is
10 at issue: Xy'shone Judson, born November 20, 2011, Xaia Judson, born August 13,
11 2015, and Xionne Judson, born May 3, 2019. Nevada is the children's home state.
12

13 THE COURT FUTHER FINDS that the most recent Court order regarding
14 Kimberly's visitation was from the August 31, 2020 hearing. The Order from this
15 hearing was filed on September 14, 2020. The Court had issued prior orders
16 requiring the children to remain in state. The Order from the August 31, 2020
17 hearing provides Kimberly with monthly visitation and holiday visitation. This
18 Order also stated that Kimberly could contact the Court if no agreement for holiday
19 visitation was reached With Tamika removing, concealing, and withholding the
20 children, no holiday visitation agreement has been reached and Kimberly contacted
21 Court and filed both a Motion and an Ex Parte Motion requesting the children to be
22 returned.
23
24
25
26
27
28

1 THE COURT FUTHER FINDS that Tamika Beatrice Jones, is violating said
2 Order and the prior Orders by removing the children from Nevada and withholding
3 the children from the Court ordered visitation awarded to Kimberly.
4

5 THE COURT FURTHER FINDS that it is in the best interest of the children
6 that they be returned to Nevada and that Kimberly she be granted temporary
7 physical custody of the children pending further order of this Court.
8

9 THEREFORE, IT IS HEREBY ORDERED that Tamika Beatrice Jones,
10 Plaintiff and the Children's mother, shall immediately turn over physical custody
11 of the three children, Xy'shone Judson, Xaia Judson, and Xionne Judson, to
12 Intervenor, Paternal Grandmother, Kimberly White's care until the next hearing
13 date.
14

15 IT IS FURTHER ORDERED that the Court hereby waives the 24 hours'
16 notice requirement because such notice would likely defeat the purpose of the order.
17

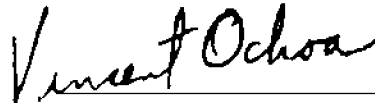
18 IT IS FURTHER ORDERED that any and all law enforcement personnel, of
19 Nevada or any other jurisdiction, including Detroit, Michigan, are authorized and
20 directed to assist the children's grandmother Kimberly White in obtaining physical
21 custody of the minor children and their belongings, clothing and personal effects,
22 and in the return of the children to Nevada.
23
24

25 IT IS FURTHER ORDERED that Kimberly White is awarded temporary
26 sole physical custody of the children pending further order of this Court.
27
28

1 IT IS FURTHER ORDERED that Kimberly shall notify this Court once she
2 has obtained physical custody of the children and they have been returned to
3 Nevada.
4

5 IT IS FINALLY ORDERED that this Order remains in effect until further
6 order of the Court.
7
8

9 Dated this 30th day of March, 2021

10 

11 DISTRICT COURT JUDGE

12 7CB C77 808A 2812
13 Vincent Ochoa
14 District Court Judge
15

16 Respectfully Submitted,
17

18 JACOVINO LAW OFFICE

19 /s/ Janice Jacovino

20 Janice Jacovino, Esq.
21 6069 S. Fort Apache Rd. Suite 100
22 Las Vegas, NV 89148
23 Telephone: (702) 776-7179
24 Email: Info@jacovinolaw.com
25 Attorney for Intervenor, Kimberly White
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 3/30/2021

15 Family Paralegal info@defendingnevada.com
16 Lynn Conant lconant@defendingnevada.com
17 Janice Jacovino info@jacovinolaw.com
18 Eileen Tortuga tortuga@defendingnevada.com
19 Cynthia Ruelas cynthia@defendingnevada.com
20
21
22
23
24
25
26
27
28



1 **NEOJ**
2 Janice Jacovino, Esq.
3 Nevada Bar No. 11612
4 **JACOVINO LAW OFFICE**
5 6069 S. Fort Apache Rd. Suite 100
6 Las Vegas, NV 89148
7 Telephone: (702) 776-7179
8 Email: Info@jacovinolaw.com
9 Attorney for Intervenor,
10 Kimberly White

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

11 TAMIKA BEATRICE JONES,
12 PLAINTIFF,

13 v.

14 CHRISTOPHER CHARLES JUDSON,
15 DEFENDANT,

16 v.

17 KIMBERLY WHITE,
18 INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NOTICE OF ENTRY OF ORDER

19 Please take notice that the following Order was entered on March 29, 2021 for the
20 above captioned matter.

21 A true and correct copy of the order is attached.

22 Dated: March 30, 2021

23 Respectfully Submitted,

24 /s/ Janice Jacovino
25 Janice Jacovino, Esq.
26 7881 W. Charleston., Suite 160
27 Las Vegas, Nevada 89117
28 Attorney for Intervenor,
Kimberly White

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that on March 30, 2021, I caused the above and foregoing
3 document titled **NOTICE OF ENTRY OF ORDER** to be served as follows:

4 **BY FAX:** by transmitting via facsimile the document (s) listed above to the fax
5 number (s) set forth below on this date before 5:00p.m. pursuant to EDCR Rule 7.26(a). A
6 printed transmission record is attached to the file copy of the document(s).

7 **X BY MAIL:** by placing the document(s) listed above in sealed envelope(s) with
8 postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as
set forth below.

9 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight
10 delivery service company for delivery to the addressee(s) on the next business day.

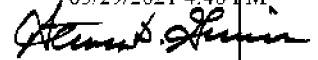
11 **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email
12 address(es) of the individual(s) listed below.

13 **X BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for
14 electronic filing and service upon the Eighth Judicial District Court's Service List for the
15 above-referenced case.

16
17
18 Christopher Judson
19 8447 Sequoia Grove Ave.
20 Las Vegas NV 89149

Tamika Beatrice Jones
4730 E Craig Rd.
APT 2088Bldg15
Las Vegas NV 89115

21
22
23 /s/ Kathryn Zartolas
24 Assistant with Jacovino Law Office
25
26
27
28


CLERK OF THE COURT

ORDR

Janice Jacovino, Esq.
Nevada Bar No. 11612
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas, NV 89148
Telephone: (702) 776-7179
Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

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

TAMIKA BEATRICE JONES,
PLAINTIFF,

v.

CHRISTOPHER CHARLES
JUDSON,
DEFENDANT,

v.

KIMBERLY WHITE,
INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

**ORDER FROM THE FROM THE
FEBRUARY 24, 2021 HEARING**

This matter came on for hearing on the 24th day of February 2021, for a Return from FMC, Intervenor's Attorney's Motion To Withdraw As Attorney Of Record And Intervenor Kimberly White's Motion To Enforce The Visitation Order, Motion For Contempt, Motion For An Pick Up Order And Attorney's Fees Costs.

Attorney Janice Jacovino, Esq. appeared on behalf of Intervenor, Grandmother, Kimberly White's ("Intervenor") who was also present. No other party appeared at the hearing.

1 Ms. Jacovino indicated that she believed Plaintiff (mother) was out of state
2 with the children. Counsel further indicated that grandmother did not get her
3 visitation over the Christmas holidays. Counsel argued that mother abducted the
4 children and is in Michigan. Counsel requested contempt and to have the children
5 to be brought back to Nevada and for make-up time.
6

7
8 The Court explained it is hard for the children's mother to be charged with
9 abduction. The Court noted Defendant (Dad) has not participated recently in the
10 proceedings.
11

12 The court allowed additional discussion and with the Court being fully
13 informed, hearing arguments and finding good cause stated its FINDINGS and
14 ORDERED as following:
15

16 **1. IT IS HEREBY ORDERED** that temporarily grandmother shall have
17 telephone contact with the children on Tuesday and Thursday at 6:00 PM or
18 6:30 PM Michigan time.
19

20 **2. IT IS FURTHER ORDERED** that temporarily if Mother is going to reside
21 in Michigan, grandmother shall get 2-3 weeks in the summer, one week
22 spring and one week in the winter.
23

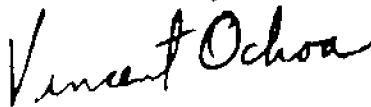
24 **3. IT IS FURTHER ORDERED** that a pick-up order is ISSUED asking the
25 law enforcement in Nevada and Michigan to assist. No arrest or warrants
26 language shall be in the pick-up order. Once the children are back in
27
28

1 Nevada, Counsel shall notify the Court within 72 hours of the children
2 being picked up and a hearing will be scheduled.

3
4 **4. IT IS FURTHER ORDERED** that at that hearing, a trial will be set, and
5 contempt will be discussed.

6 **5. IT IS FURTHER ORDERED** that Ms. Jacovino shall explain that
7 contempt will be for taking the children out of state without permission,
8 denying grandmother visitation (weekend and holiday visitations) which
9 she was fully aware off. Counsel shall be very specific in the order
10 pertaining to contempt.
11
12

13 Dated this 29th day of March, 2021

14 

15
16 DISTRICT COURT JUDGE
17 C6A D88 C8A6 636C
18 Vincent Ochoa
19 District Court Judge

20 Prepared and Submitted by:

21 **JACOVINO LAW OFFICE**

22 Janice Jacovino

23 Janice Jacovino, Esq.
24 Nevada Bar No. 11612
25 6069 S. Fort Apache Rd. Suite 100
26 Las Vegas, NV 89148
27 Telephone: (702) 776-7179
28 Email: Info@jacovinolaw.com
Attorney for Intervenor,
Kimberly White

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 3/29/2021

15 Family Paralegal info@defendingnevada.com
16 Lynn Conant lconant@defendingnevada.com
17 Janice Jacovino info@jacovinolaw.com
18 Eileen Tortuga tortuga@defendingnevada.com
19 Cynthia Ruelas cynthia@defendingnevada.com
20
21
22
23
24
25
26
27
28



1 **NEOJ**
2 Janice Jacovino, Esq.
3 Nevada Bar No. 11612
4 **JACOVINO LAW OFFICE**
5 6069 S. Fort Apache Rd. Suite 100
6 Las Vegas, NV 89148
7 Telephone: (702) 776-7179
8 Email: Info@jacovinolaw.com
9 Attorney for Intervenor,
10 Kimberly White

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

11 TAMIKA BEATRICE JONES,
12 PLAINTIFF,

13 v.

14 CHRISTOPHER CHARLES JUDSON,
15 DEFENDANT,

16 v.

17 KIMBERLY WHITE,
18 INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

NOTICE OF ENTRY OF ORDER

18 Please take notice that the following Order was entered on March 30, 2021 for the
19 above captioned matter.

20 A true and correct copy of the order is attached.

21 Dated: March 30, 2021

22 Respectfully Submitted,

23 /s/ Janice Jacovino
24 Janice Jacovino, Esq.
25 7881 W. Charleston., Suite 160
26 Las Vegas, Nevada 89117
27 Attorney for Intervenor,
28 Kimberly White

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3

4
5
6

78

0.05

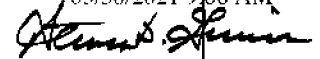
1.2

3
4
5

9.8

Tamika Beatrice Jones
4730 E Craig Rd.
APT 2088Bldg15
Las Vegas NV 89115

/s/ Kathryn Zartolas
Assistant with Jacovino Law Office



CLERK OF THE COURT

1 ORDR
2 Janice Jacovino, Esq.
3 Nevada Bar No. 11612
4 **JACOVINO LAW OFFICE**
5 6069 S. Fort Apache Rd. Suite 100
6 Las Vegas, NV 89148
7 Telephone: (702) 776-7179
8 Email: Info@jacovinolaw.com
9 *Attorney for Intervenor,*
10 Kimberly White

11 **DISTRICT COURT**
12 **FAMILY COURT DIVISION**
13 **CLARK COUNTY, NEVADA**

14 TAMIKA BEATRICE JONES,
15 PLAINTIFF,

16 v.

17 CHRISTOPHER CHARLES JUDSON,
18 DEFENDANT,

19 v.

20 KIMBERLY WHITE,
21 INTERVENOR.

Case No.: D-19-594413-C

Dept. No.: S

22 **ORDER FOR RETURN OF**
23 **CHILDREN**

24 Intervenor, KIMBERLY WHITE, ("Kimberly") filed an Ex Parte Motion For
25 Return of Children on December 8, 2020. Kimberly who was awarded visitation by
26 the Court also filed a Motion To Enforce Visitation Order, Contempt, A Pickup
27 Order Of Minor Children And For Attorney's Fees And Costs. There was a hearing
28 for the same on February 24, 2021.

1 During these proceedings the children were to remain in the Nevada.
2 Kimberly was to have regularly scheduled visitation and holiday visitation, at the
3 time of filing the Motion at least two the scheduled visitations were missed due to
4 Tamika leaving the jurisdiction with the children.
5

6 The Court being fully informed, hearing arguments, finding good cause and
7 having jurisdictions ORDERED the following:
8

9 THE COURT FINDS that custody and visitation of the following children is
10 at issue: Xy'shone Judson, born November 20, 2011, Xaia Judson, born August 13,
11 2015, and Xionne Judson, born May 3, 2019. Nevada is the children's home state.
12

13 THE COURT FUTHER FINDS that the most recent Court order regarding
14 Kimberly's visitation was from the August 31, 2020 hearing. The Order from this
15 hearing was filed on September 14, 2020. The Court had issued prior orders
16 requiring the children to remain in state. The Order from the August 31, 2020
17 hearing provides Kimberly with monthly visitation and holiday visitation. This
18 Order also stated that Kimberly could contact the Court if no agreement for holiday
19 visitation was reached With Tamika removing, concealing, and withholding the
20 children, no holiday visitation agreement has been reached and Kimberly contacted
21 Court and filed both a Motion and an Ex Parte Motion requesting the children to be
22 returned.
23
24
25
26
27
28

1 THE COURT FUTHER FINDS that Tamika Beatrice Jones, is violating said
2 Order and the prior Orders by removing the children from Nevada and withholding
3 the children from the Court ordered visitation awarded to Kimberly.
4

5 THE COURT FURTHER FINDS that it is in the best interest of the children
6 that they be returned to Nevada and that Kimberly she be granted temporary
7 physical custody of the children pending further order of this Court.
8

9 THEREFORE, IT IS HEREBY ORDERED that Tamika Beatrice Jones,
10 Plaintiff and the Children's mother, shall immediately turn over physical custody
11 of the three children, Xy'shone Judson, Xaia Judson, and Xionne Judson, to
12 Intervenor, Paternal Grandmother, Kimberly White's care until the next hearing
13 date.
14

15 IT IS FURTHER ORDERED that the Court hereby waives the 24 hours'
16 notice requirement because such notice would likely defeat the purpose of the order.
17

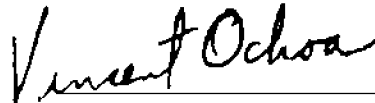
18 IT IS FURTHER ORDERED that any and all law enforcement personnel, of
19 Nevada or any other jurisdiction, including Detroit, Michigan, are authorized and
20 directed to assist the children's grandmother Kimberly White in obtaining physical
21 custody of the minor children and their belongings, clothing and personal effects,
22 and in the return of the children to Nevada.
23
24

25 IT IS FURTHER ORDERED that Kimberly White is awarded temporary
26 sole physical custody of the children pending further order of this Court.
27
28

1 IT IS FURTHER ORDERED that Kimberly shall notify this Court once she
2 has obtained physical custody of the children and they have been returned to
3 Nevada.
4

5 IT IS FINALLY ORDERED that this Order remains in effect until further
6 order of the Court.
7
8

9 Dated this 30th day of March, 2021

10 

11 DISTRICT COURT JUDGE

12 7CB C77 808A 2812
13 Vincent Ochoa
14 District Court Judge
15

16 Respectfully Submitted,
17

18 JACOVINO LAW OFFICE

19 /s/ Janice Jacovino

20 Janice Jacovino, Esq.
21 6069 S. Fort Apache Rd. Suite 100
22 Las Vegas, NV 89148
23 Telephone: (702) 776-7179
24 Email: Info@jacovinolaw.com
25 Attorney for Intervenor, Kimberly White
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Tamika Beatrice Jones, Plaintiff. CASE NO: D-19-594413-C
7 vs. DEPT. NO. Department S
8 Christopher Charles Judson,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 3/30/2021

15 Family Paralegal info@defendingnevada.com
16 Lynn Conant lconant@defendingnevada.com
17 Janice Jacovino info@jacovinolaw.com
18 Eileen Tortuga tortuga@defendingnevada.com
19 Cynthia Ruelas cynthia@defendingnevada.com
20
21
22
23
24
25
26
27
28



NOA
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
McGANNON LAW OFFICE, P.C.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Telephone: (702) 888-6606
Facsimile: (725) 502-2376
E-mail: mark@mcgannonlawoffice.com
Unbundled Attorney for Plaintiff

DISTRICT COURT – FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
PLAINTIFF,)	
	)	DEPT NO.: S
v.)	
)	
CHRISTOPHER CHARLES JUDSON,	)	<u>NOTICE OF APPEARANCE</u>
DEFENDANT,)	
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

YOU AND EACH OF YOU PLEASE TAKE NOTICE that Mark J. McGannon,
Esq. of the McGANNON LAW OFFICE, P.C., has been retained to appear in an unbundled
capacity on behalf of the Plaintiff, TAMIKA BEATRICE JONES.

DATED this 24th day of September 2021.

McGANNON LAW OFFICE, P.C.

BY: /s/ Mark J. McGannon
MARK J. McGANNON
Nevada State Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Ph.: (702)888-6606

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 8447 Sequoia Grove Ave. Las Vegas NV 89149	

15
16
17
18
19
20
21
22
23
24
25
26
27
28



1 **EXP**

2 MARK J. McGANNON, ESQ.
3 Nevada Bar No. 005419
4 McGANNON LAW OFFICE, P.C.
5 5550 Painted Mirage Rd., Suite 320
6 Las Vegas, NV 89149
7 Telephone: (702) 888-6606
8 Facsimile: (725) 502-2376
9 E-mail: mark@mcgannonlawoffice.com
10 Unbundled Attorney for Plaintiff

11 **DISTRICT COURT – FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 TAMIKA BEATRICE JONES,	)	CASE NO.: D-19-594413-C
14 PLAINTIFF,)	
15 v.	)	DEPT NO.: S
16)	
17 CHRISTOPHER CHARLES JUDSON,)	
18 DEFENDANT,)	
19 v.)	
20)	
21 KIMBERLY WHITE,)	
22 INTERVENOR.)	

23 **EMERGENCY EX-PARTE MOTION FOR STAY OF**
24 **ORDER FOR RETURN OF CHILDREN**

25 COMES NOW, PLAINTIFF, Plaintiff, TAMIKA BEATRICE JONES, by and
26 through her counsel of record, Mark J. McGannon, Esq. of the McGANNON LAW
27 OFFICE, P.C., and hereby requests this Court to Grant her Emergency Ex-Parte Motion for
28 Stay of Order for Return of Children dated March 30, 2021.

This Motion is made and based upon all the papers and pleadings on file, the attached
Declaration of Mark J. McGannon, Esq., attorney for Plaintiff, and is made in good faith and
not to delay justice.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **FACTS**

4
5 Unfortunately, TAMIKA BEATRICE JONES, ("MOM") the Minor Children's natural
6 mother has been denied due process at several times in this child custody matter. Most recently a
7 hearing was held on February 24, 2021, on Intervenor's Motion to Enforce Visitation Order,
8 Contempt, a Pickup Order of Minor Children and for Attorney's Fees and Costs without her
9 attendance. Thereafter, the Order from the February 24, 2021, Hearing and Order for Return of
10 the Children was never sent to Ms. Jones even though she had provided the Court with her new
11 email address, and Intervenor and her counsel knew she had relocated to Michigan, knew where
12 she was living in Michigan, and knew she no longer lived at the old Las Vegas address the
13 Orders were sent to and presumably returned!'

14
15 MOM did not know about the Court Orders until she was contacted by the Nevada
16 Attorney General's Office in late mid-September. Upon being told by the AG that they were in
17 receipt of the Order for Return of the Children and Order from September 24, 2021, Hearing
18 which she had never previously seen, the AG sent her the most recent Court Orders. She was
19 also told that she needed to immediately contact an attorney to appear in the family court matter
20 regarding these Orders or they would be forced to intervene at the insistence of the Intervenor.
21
22

23 Thereafter, MOM contacted the McGannon Law Office ("MLO"), whom she retained to
24 attempt to negotiate a resolution. MLO immediately filed a Notice of Appearance on September
25
26

27
28 ¹ Of note, MOM had contacted DAD on several occasions who knew and verbally agreed to her
relocation to Michigan with the Minor Children.

1 25, 2021, and was contacted by Intervenor's counsel on September 28, 2021, who requested
2 several available dates to discuss the case. (Please see email attached as **Exhibit "1"**). Counsel
3 had a productive telephone call on October 7, 2021, in which potential visitation with Intervenor
4 was discussed and that the Parties would work to negotiate a resolution. MLO was contacted by
5 Sergeant Matthew Downing of the Las Vegas Metropolitan Police Department and discussed
6 with him that the Nevada Attorney General and Las Vegas Metropolitan Police Department were
7 going to have get involved in the return of the Minor Children if no action was taken on Ms.
8 Jones' behalf. Importantly, he represented that they would rather have the matter resolved by the
9 Family Court. MOM's counsel represented that he would be filing a Motion for Relief with the
10 Family Court if a resolution with Intervenor was not obtained. This was confirmed in email
11 dated October 8, 2021. (Please see email attached as **Exhibit "2"**).

14 Since that time counsel has reached out to Intervenor's counsel on numerous occasions to
15 attempt to resolve this matter only to never receive another response. (Please see emails attached
16 hereto as **Exhibit "3"**). Evidently, Intervenor instead of negotiating a resolution to the matter
17 and seeking to circumvent MOM's counsel bringing a proper Motion before this Court,
18 aggressively sought to have Michigan law enforcement enforce the Order for Return of the
19 Children. Michigan law enforcement arrived at the maternal grandmother's home with the Court
20 Order on November 16, 2021. Counsel for MOM explained the situation to Officer Whitcombe
21 and stated that a Motion would be filed in the immediate future with the Clark County Family
22 Court to resolve this matter. Officer Whitcombe stated that he would have a hard time removing
23 these children from their home and mother especially when there was absolutely no signs of
24 abuse or neglect. Needless to say, the Minor Children were traumatized by the police showing
25 up at their house.
26
27
28

1 Importantly, on the morning of November 17, 2021, MOM and Intervenor received an
2 email from the Superintendent of Xy'shone and Xaia's school stating:

3 The District has received communications from each of you regarding minor
4 children enrolled in the District. Ms. White has produced a Nevada court order
5 dated March 30, 2021, which provides law enforcement of any jurisdiction the
6 authority to assist Ms. White in obtaining physical custody of the children. The
7 District has consulted with its legal counsel on this matter. **Please be advised that**
8 **if a law enforcement officer presents the order to the school and directs a**
9 **District administrator to release the children to law enforcement, the District**
10 **will comply. If there is a more recent court order addressing this matter,**
11 **please provide the District a copy of the order. The District will not discuss**
12 **this matter further with either party, unless a new court order is presented**
13 **that warrants discussion.** (Emphasis added.) (Please see email attached as
14 Exhibit "4").

15 Thus, Intervenor sought not only to involve Michigan law enforcement in this matter, but
16 also needlessly involved the Minor Children's school in this matter seeking to disrupt the Minor
17 Children's lives during the middle of the school session; clearly not in the best interests of the
18 Minor Children. The school wants no part of this fiasco.

19 Lastly, upon receipt of the above email, MOM's counsel contacted Intervenor's counsel
20 to discuss this urgent matter. Counsel was placed on hold and told that Intervenor's counsel was
21 on another call and that she would contact him shortly. Of course, the call was never received.

22 Instead, MOM's counsel was forced to send the following email:

23 Dear Janice,

24 I tried to contact you telephonically this morning expressing the urgency of discussing this
25 matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client
26 is seeking to inappropriately influence the Michigan police and the minor children's school for
27 the immediate return of the children. Removing the children from school and their mother and
28 placing them in the custody of Michigan CPS is clearly not in the children's best interest and
certainly not something Judge Ochoa intended when these Orders were issued. Please see
attached email from the minor children's school. **This is also being done with knowledge that**
the Las Vegas Metropolitan Police Department and Nevada Attorney General are not
pursuing this matter until the matter is resolved civilly in the Nevada Family Court case.

1 Please let me know if you will stipulate to staying the Order for Return of the Minor Children
2 dated February 30, 2021. We will request an immediate hearing with the Court in the
3 Stipulation. Should we not immediately hear from you, we will have no alternative but to file an
Emergency Motion in this regard.” (Please see email attached as **Exhibit “5”**; Emphasis added).

4 Importantly, counsel for MOM just received the attached email from counsel for the
5 Minor Children’s school attached hereto as **Exhibit “6”** clearly demonstrating the depths of
6 Intervenor’s inappropriate behavior wherein it states that Intervenor contacted the school and
7 provided them with a copy of the order and a **“missing person” sign!** Intervenor knows full
8 well that the Minor Children are not missing but have been residing in Michigan at their maternal
9 grandmother’s house with the father’s knowledge and permission; yet blatantly misrepresents
10 their status to law enforcement and school authorities!
11

12
13 Thus, necessitating this Emergency Motion.

14 II.

15 ARGUMENT

16
17 NRS 125C.0045 states in pertinent part:

18 1. In any action for determining the custody of a minor child, the court may:

19 (a) During the pendency of the action, at the final hearing or at any time thereafter during the
20 minority of the child, make such an order for the custody, care, education, maintenance and
support of the minor child as appears in his or her best interest; and

21 5. Any order awarding a party a limited right of custody to a child must define that right
22 with sufficient particularity to ensure that the rights of the parties can be properly enforced and
23 that the best interest of the child is achieved. The order must include all specific times and other
terms of the limited right of custody. As used in this subsection, “sufficient particularity” means
24 a statement of the rights in absolute terms and not by the use of the term “reasonable” or other
similar term which is susceptible to different interpretations by the parties.

25 Moreover, “(T)he power to stay proceedings is incidental to the power inherent in every
26 court to control the disposition of the causes on its docket with economy of time and effort for
itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment
27 which must weigh competing interests and maintain an even balance.” Maheu v. Eighth Judicial
Dist. Court In and For Clark County, Dept. No. 6, 510 P.2d 627, 89 Nev. 214 (Nev. 1973)
28 quoting, Landis v. North American Co., 299 U.S. 248, 254--255, 57 S.Ct. 163, 166, 81 L.Ed. 153
(1936).

1 As set forth above, there have been numerous emails between the Parties' attorneys
2 regarding resolving this matter amicably and giving Intervenor visitation. Of note, the email
3 sent on November 5, 2021, explicitly stated: **"My client would like to offer some interim**
4 **visitation during the upcoming holidays, but I have not heard back from you regarding**
5 **our attempts to schedule a telephone call.** Please provide your availability to discuss as soon
6 as possible as I am trying to avoid unnecessary expensive litigation if possible." Unfortunately,
7 there was no response.
8

9 If Intervenor was truly seeking only visitation this would have been resolved weeks ago.
10 This obviously has never been about her getting visitation with the Minor Children or doing
11 what is in their best interest but is nothing more than her misguided attempt to circumvent the
12 legal system in order to selfishly take custody away from their own natural mother who has
13 been the sole legal and primary care provider for these Minor Children's entire lives. It is
14 inconceivable how she can think that ripping these children from their home, natural mother and
15 away from school in the middle of the year is their best interest. Nevertheless, Intervenor
16 knowing that the Nevada attorney General and Las Vegas Metropolitan Police were not going
17 to take any further action until this matter played out civilly in Family Court became upset and
18 took matters into her own hands again and began harassing Michigan!
19
20
21

22 Instead of seeking to resolve visitation or allowing counsel for MOM to file an
23 appropriate Motion with Court, Intervenor has forced MOM to have to file the present
24 Emergency Motion seeking a stay of the Order for Return of the Minor Children. The rights of
25 visitation for certain relatives and other persons are strictly limited by statute for a legitimate
26 reason. NRS 125C.050. MOM and the Minor Children should not have to be living in fear of
27 the oppressive, controlling grandmother interfering in their lives. Because she was forced by
28

**PLEADING
CONTINUES
IN NEXT
VOLUME**