

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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 3

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.

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Intervenor's bad faith conduct to take this action and because the Court never heard both sides of this matter or addressed the necessary statutory considerations for nonparental visitation rights when it granted Intervenor temporary visitation, TAMIKA BEATRICE JONES, respectfully requests that this Honorable Court stay its previous Order for the Return of the Minor Children dated March 30, 2021 pending her filing an appropriate Motion to Resolve Custody and Visitation and seeking formal Court permission to relocate out of state with the Minor Children with the Court and be given the requisite opportunity to be heard.

DATED this 18th day of November 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

DECLARATION OF MARK J. McGANNON, ESQ.
IN SUPPORT EMERGENCY EX-PARTE MOTION FOR STAY OF
ORDER FOR RETURN OF CHILDREN

I, Mark J. McGannon, Esq., being first duly sworn deposes and says:

1. I am the attorney for the Plaintiff, TAMIKA BEATRICE JONES ("Mother").
2. I am over the age of eighteen (18) years and competent to testify to the matters set forth herein.
3. I am submitting this Declaration in Support of Plaintiff's Ex-Parte Motion for Stay of Order for Return of Children.
4. I make this declaration based on my personal knowledge of the facts stated

1 herein.

2 5. The emails attached as exhibits are true and correct copies.

3 6. Upon Plaintiff being notified of the Order for the Return the Children, Plaintiff,
4 retained MLO to attempt to negotiate a potential settlement.
5

6 7. MLO filed a Notice of Appearance on September 25, 2021, and was contacted by
7 Intervenor's counsel on September 28, 2021, who requested several available dates to discuss the
8 case. Counsel had a productive telephone call with Intervenor counsel on October 7, 2021, in
9 which potential visitation with Intervenor was discussed and that the Parties would work to
10 negotiate a resolution.
11

12 8. On October 6, 2021, MLO was contacted by Sergeant Matthew Downing of the
13 Las Vegas Metropolitan Police Department and discussed with him that the Nevada Attorney
14 General and Las Vegas Metropolitan Police Department were going to have get involved in the
15 return of the Minor Children if no action was taken on Ms. Jones' behalf. On October 8, 2021,
16 MLO represented that he had discussed the matter with Intervener's counsel, and they agreed to
17 try to negotiate a settlement on visitation and would be filing a Motion for Relief with the Family
18 Court if a resolution with Intervenor was not obtained. On November 9, 2021, MLO informed
19 Sergeant Matthew Downing that Intervenor's counsel had not been responding and therefore
20 MLO would be filing the appropriate motions in order to resolve this matter through family court
21 system in the immediate future.
22

23 9. MLO emailed Intervenor's counsel on October 27, 2021, and October 29, 2021, to
24 set up a phone call to discuss a potential settlement and no response was received. MLO then
25 sent a follow up email on November 5, 2021, that stated **"My client would like to offer some**
26 **interim visitation during the upcoming holidays, but I have not heard back from you**
27
28

1 **regarding our attempts to schedule a telephone call.** Please provide your availability to
2 discuss as soon as possible as I am trying to avoid unnecessary expensive litigation if possible.”.

3 No response was received.

4
5 10. On November 16, 2021, MLO was notified by MOM that Michigan law
6 enforcement arrived at the maternal grandmother’s home with the Court Order. MLO explained
7 the situation to Officer Whitcombe and stated that a Motion would be filed in the immediate
8 future with the Clark County Family Court to resolve this matter.

9
10 11. On the morning of November 17, 2021, MOM and Intervenor received an email
11 from the Superintendent of Xy’shone and Xaia’s school stating:

12 The District has received communications from each of you regarding minor
13 children enrolled in the District. Ms. White has produced a Nevada court order
14 dated March 30, 2021, which provides law enforcement of any jurisdiction the
15 authority to assist Ms. White in obtaining physical custody of the children. The
16 District has consulted with its legal counsel on this matter. **Please be advised that**
17 **if a law enforcement officer presents the order to the school and directs a**
18 **District administrator to release the children to law enforcement, the District**
19 **will comply. If there is a more recent court order addressing this matter,**
20 **please provide the District a copy of the order. The District will not discuss**
21 **this matter further with either party, unless a new court order is presented**
22 **that warrants discussion.** (Emphasis added.)

23
24 12. On November 17, 2021, MLO counsel contacted Intervenor’s counsel to discuss
25 this urgent matter. Counsel was placed on hold and told that Intervenor’s counsel was on
26 another call and that she would contact him shortly. However, no call was received.
27 Additionally, MLO emailed Intervenor’s counsel, advising of the events that had transpired and
28 forwarded the email received from the Michigan school district and asked that Intervenor to
stipulate staying the Order for Return of the Minor Children dated February 30, 2021, and
request an immediate hearing with the Court. Again, no response was received.

13. This morning I received an email from counsel for the Minor Children’s school

1 setting forth the schools' position but also indicating that Intervenor was clearly circumventing
2 Nevada law enforcement and making blatant misrepresentations to the Minor Children's school
3 that the Minor Children were missing when all of the Parties are fully aware of where the Minor
4 Children have been living in Michigan at their maternal grandmother's house since their arrival.
5

6 14. Consequently, because of the urgent nature of the circumstances addressed herein
7 and in Plaintiff's Motion, I am respectfully requesting that the Court consider the Plaintiff's
8 Motion to Stay of Order For Return of Children in order for Plaintiff to file the proper Motion for
9 the Court to hear both sides of this matter, address the necessary statutory considerations for
10 nonparental visitation rights and relocation of the Minor Children to Michigan.
11

12 15. This emergency Motion is not made for purposes of fraud or an improper
13 purpose.

14 I declare under penalty of perjury that the foregoing is true and correct

15 DATED this 18th day of November 2021.

16 *Mark J. McGannon*

17

MARK J. McGANNON, ESQ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law office of McGANNON LAW OFFICE, P.C. that service of the foregoing EMERGENCY EX-PARTE MOTION FOR STAY OF ORDER FOR RETURN OF CHILDREN was made on this 18th day of November 2021, pursuant to EDCR 8.05, by electronic service via the Court's E-Filing System, or if not on the service list by depositing the same in the United States Mail in Las Vegas, Nevada, postage paid addressed as follows:

ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 8447 Sequoia Grove Ave. Las Vegas NV 89149	

/s/ Mark J. McGannon
An employee or agent of McGANNON LAW
OFFICE, P.C.

EXHIBIT "1"

From: **info Jacovino Law** <info@jacovinolaw.com>
Date: Tue, Sep 28, 2021 at 11:29 AM
Subject: D-19-594413-C/ Jones
To: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Good Morning,

I represent Grandmother, Kimberly White. She was awarded visitation last year and a pick up order for the children when mom moved out of state.

I would be happy to discuss the case with you. Please provide a few dates and times for a quick call.

Regards,

Janice Jacovino, Esq.

JACOVINO LAW OFFICE

m. 6069 S Fort Apache Rd. Suite 100

Las Vegas, NV 89148

p. 702.776.7179

e. info@jacovinolaw.com

w. www.Jacovinolaw.com

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***SETTLEMENT:** Discussions and terms in these emails are for settlement purposes only.*

***RELATIONSHIP:** No attorney-client relationship is formed unless payment is tendered and the retainer has been fully executed.*

EXHIBIT "2"

Jean McGannon

From: mark@mcgannonlawoffice.com
Sent: Friday, October 8, 2021 4:54 PM
To: 'Matthew Downing'
Cc: info@jacovinolaw.com; 'Jean McGannon'
Subject: RE: Tamika Jones D-19-594413-C

Dear Officer Downing,

Please allow this to confirm that I have discussed the matter with Kimberly White's (grandmother's) counsel Janice Jacovino, Esq. and we have agreed to try to negotiate a settlement on visitation within approximately a 2 week timeframe. If this is unsuccessful, I will thereafter file an appropriate Motion with the Family Court seeking immediate relief from the current Court orders. I will keep you informed of any change in circumstances.

Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>
Sent: Wednesday, October 6, 2021 5:18 PM
To: mark@mcgannonlawoffice.com
Subject: RE: Tamika Jones D-19-594413-C

Hey Mark,

I was out of the office this afternoon. If you don't get me at my desk, please use my cell. I have a meeting tomorrow afternoon that should last until no later than 3pm. I'll give you a call after that or you can try and call me. Let me know what number is best.

Thanks,

Sergeant Matt Downing P#8260

Missing Persons/Animal Cruelty Detail

Desk: 702-828-3077

Cell: 702-281-9310

m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."

-John F. Kennedy

From: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Sent: Wednesday, October 6, 2021 4:13 PM

To: Matthew Downing <M8260D@LVMPD.COM>

Subject: RE: Tamika Jones D-19-594413-C

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Hi Matt,

Sorry I have been tied up, but I just tried to call you. I have telephone call with the grandmother's counsel tomorrow at 1:30. Let me know when your available tomorrow afternoon after that to discuss.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>

Sent: Tuesday, October 5, 2021 2:35 PM

To: mark@mcgannonlawoffice.com

Subject: Tamika Jones D-19-594413-C

Mark,

Can you please give me a call reference the above case as soon as possible? My detail is working the criminal case against your client and I need to get further information from you as we're trying to make a determination on how we're going to proceed.

Thanks,

Sergeant Matt Downing P#8260
Missing Persons/Animal Cruelty Detail
Desk: 702-828-3077
Cell: 702-281-9310
m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."

-John F. Kennedy

EXHIBIT "3"

Jean McGannon

From: mark@mcgannonlawoffice.com
Sent: Friday, November 5, 2021 4:38 PM
To: info@jacovinolaw.com
Cc: 'Jean McGannon'
Subject: FW: JONES.TAMIKA - Phone conference request

Hi Janice,

My client would like to offer some interim visitation during the upcoming holidays, but I have not heard back from you regarding our attempts to schedule a telephone call. Please provide your availability to discuss as soon as possible as I am trying to avoid unnecessary expensive litigation if possible. Please let me know by Monday. Thanks.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
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McGannon Law Office

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From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Wednesday, October 27, 2021 4:37 PM
To: info@jacovinolaw.com
Cc: Mark@McGannonLawOffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano' <theresa@mcgannonlawoffice.com>
Subject: JONES.TAMIKA - Phone conference request

Good afternoon Janice,

Mark would like to set up a call with you tomorrow or Friday to discuss the above referenced case. Mark is available between 11-3 PM tomorrow and 11-2 PM on Friday. Please let us know if you are available during any of those times?

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

Jean McGannon

From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Friday, October 29, 2021 9:29 AM
To: info@jacovinolaw.com
Cc: mark@mcgannonlawoffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano'
Subject: FW: JONES.TAMIKA - Phone conference request

Good morning Janice,

I just wanted to follow up with you regarding my email from yesterday. Mark would like to set up a call with you as soon as you are available. Mark is available today between 11-2 PM and has most days available next week. Please let us know your availability.

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Wednesday, October 27, 2021 4:37 PM
To: info@jacovinolaw.com
Cc: Mark@McGannonLawOffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano' <theresa@mcgannonlawoffice.com>
Subject: JONES.TAMIKA - Phone conference request

Good afternoon Janice,

Mark would like to set up a call with you tomorrow or Friday to discuss the above referenced case. Mark is available between 11-3 PM tomorrow and 11-2 PM on Friday. Please let us know if you are available during any of those times?

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

EXHIBIT "4"

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamika18092@gmail.com
Cc: "Jennifer K. Starlin" <jstarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools
Office: 248-586-8653
Email: Dania.Bazzi@FerndaleSchools.org

"Excellence in education is when we do everything that we can to make sure they become everything that they can." - Carol Ann Tomlinson

One Team, Endless Dreams

EXHIBIT "5"

Jean McGannon

From: Mark McGannon <mark@mcgannonlawoffice.com>
Sent: Wednesday, November 17, 2021 11:57 AM
To: info@jacovinolaw.com
Cc: Jean McGannon; Theresa Luciano
Subject: JONES.TAMIKA - Urgent

Dear Janice,

I tried to contact you telephonically this morning expressing the urgency of discussing this matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client is seeking to inappropriately influence the Michigan police and the minor children's school for the immediate return of the children. Removing the children from school and their mother and 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.

Please let me know if you will stipulate to staying the Order for Return of the Minor Children dated February 30, 2021. We will request an immediate hearing with the Court in the Stipulation. Should we not immediately hear from you, we will have no alternative but to file an Emergency Motion in this regard.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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----- Forwarded message -----

From: **Tamika Jones** <tamikaj8092@gmail.com>
Date: Wed, Nov 17, 2021 at 8:01 AM

Subject: Fwd: Hello-Students at FPS
To: <mark@mcgannonlawoffice.com>

----- Forwarded message -----

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamikaj8092@gmail.com
Cc: "Jennifer K. Starlin" <JStarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

--

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools

EXHIBIT "6"

From: Jennifer K. Starlin <JStarlin@ThrunLaw.com>
Sent: Thursday, November 18, 2021 4:59 AM
To: mark@mcgannonlawoffice.com; info@jacovinolaw.com
Subject: Ferndale Public Schools - Custody Dispute

Good morning:

This Firm represents the Ferndale Public Schools. All communications on this matter should therefore be directed to me, not to the District.

As each of you is aware, Ferndale Public Schools has been contacted by several individuals regarding a custody matter that I understand is ongoing in Nevada. I am writing to both of you to ensure there is no miscommunication. I cannot share further specifics about the children with either of you unless I receive a consent form signed by a parent allowing the disclosure of student record information to you.

The mother enrolled the students in the District this school year. During the enrollment process, the District noted nothing unusual and had no reason to suspect any problems.

The students' grandmother contacted the District in October, sent a copy of the order and a "missing person" sign, and requested confirmation that the students were enrolled in the District. She also sought clarification as to whether the District would release the students to her if she arrived to retrieve them. The District confirmed the students' grade levels (which the District has designated as directory information under FERPA; the parent has not opted out of permitting such disclosure). The District also notified the grandmother that the District would only permit pick-up under one of two circumstances: (1) grandmother provides signed parental consent allowing her to pick-up the students; or (2) grandmother is accompanied by law enforcement, and the law enforcement officer confirms that he or she is assisting in enforcing the court order. The District sought guidance from the Ferndale Police and the Michigan State Police, but both entities confirmed they were not involved in this matter.

After relaying that information to the grandmother, the District received voicemails from the mother, claiming that the grandmother was going to improperly try to retrieve the children; that "lawyers had to get involved"; and that the District should NOT release the students to the grandmother or police. In response to that voicemail, the District's superintendent sent the following email to the grandmother and the mother:

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further

with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

In response to that email, I was contacted by Mr. McGannon, someone claiming to be the maternal grandmother, and Ms. White. I have not responded to either grandmother, and I do not plan to speak to them about this matter. Please relay the following to your clients:

- The District has, at all times, complied with state and federal law on this matter.
- The court order does not appear to be "sealed," and a copy was given to the District by the grandmother. Once it entered the District's possession, without guidance from a court to the contrary, it became a student education record under FERPA, and the students' parents are entitled to review the record. If the existence of the court order should not have been shared with the mother, then Ms. White or her attorney should have clarified earlier. As written, however, I see nothing that indicates that the order (now 8 months old) was intended to be confidential, and the order itself indicates that it was already served, by mail, on the parents. Allegations that the District violated a court order (to which it is not a party) or improperly disclosed the order's existence to the mother are untrue.
- In any event, the mother contacted the District warning of the pending pick-up *before* the District shared the order. Based on the voicemails from the mother, it is the District's understanding that there was a conversation between the mother and grandmother about picking up the students that did not go well.

The District is caught in the middle of what appears to be a messy family situation. Allegations that the District engaged in wrongdoing are untrue and not productive. If anyone wants to discuss this matter with the District, those communications should come from your offices to my office, not to the District.

I anticipate that the two of you will sort this matter out and exclude the District from this ongoing narrative. I appreciate your prompt attention to resolving this matter. Please contact me if you have any questions.

Jennifer K. Starlin, Attorney

Thrun Law Firm, P.C.

Phone 517.374.8834 - Fax 517.484.0081

jstarlin@thrunlaw.com – www.thrunlaw.com



P.O. Box 2575

East Lansing, MI 48826

For deliveries only:

2900 West Road, Suite 400

East Lansing, MI 48823

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MOT

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>ORAL ARGUMENT REQUESTED: YES</u>
DEFENDANT,)	
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

**EMERGENCY MOTION FOR STAY OF
ORDER FOR RETURN OF CHILDREN**

COMES NOW, PLAINTIFF, Plaintiff, TAMIKA BEATRICE JONES, by and
through her counsel of record, Mark J. McGannon, Esq. of the McGANNON LAW
OFFICE, P.C., and hereby requests this Court to Grant her Emergency Motion for 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

1 Intervenor's bad faith conduct to take this action and because the Court never heard both sides
2 of this matter or addressed the necessary statutory considerations for nonparental visitation
3 rights when it granted Intervenor temporary visitation, TAMIKA BEATRICE JONES,
4 respectfully requests that this Honorable Court stay its previous Order for the Return of the
5 Minor Children dated March 30, 2021 pending her filing an appropriate Motion to Resolve
6 Custody and Visitation and seeking formal Court permission to relocate out of state with the
7 Minor Children with the Court and be given the requisite opportunity to be heard.
8

9 DATED this 18th day of November 2021.
10

11 McGANNON LAW OFFICE, P.C.
12

13 BY: /s/ Mark J. McGannon

14 MARK J. McGANNON
15 Nevada State Bar No. 005419
16 5550 Painted Mirage Rd., Suite 320
17 Las Vegas, NV 89149
18 Ph.: (702)888-6606
19
20
21
22
23
24
25
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27
28

DECLARATION OF MARK J. McGANNON, ESQ.
IN SUPPORT EMERGENCY MOTION FOR STAY OF
ORDER FOR RETURN OF CHILDREN

I, Mark J. McGannon, Esq., being first duly sworn deposes and says:

1. I am the attorney for the Plaintiff, TAMIKA BEATRICE JONES (“Mother”).

2. I am over the age of eighteen (18) years and competent to testify to the matters set forth herein.

3. I am submitting this Declaration in Support of Plaintiff’s Motion for Stay of Order for Return of Children.

4. I make this declaration based on my personal knowledge of the facts stated herein.

5. The emails attached as exhibits are true and correct copies.

6. Upon Plaintiff being notified of the Order for the Return the Children, Plaintiff, retained MLO to attempt to negotiate a potential settlement.

7. MLO filed a Notice of Appearance on September 25, 2021, and was contacted by Intervenor’s counsel on September 28, 2021, who requested several available dates to discuss the case. Counsel had a productive telephone call with Intervenor counsel on October 7, 2021, in which potential visitation with Intervenor was discussed and that the Parties would work to negotiate a resolution.

8. On October 6, 2021, MLO was contacted by Sergeant Matthew Downing of the Las Vegas Metropolitan Police Department and discussed with him that the Nevada Attorney General and Las Vegas Metropolitan Police Department were going to have get involved in the return of the Minor Children if no action was taken on Ms. Jones’ behalf. On October 8, 2021, MLO represented that he had discussed the matter with Intervener’s counsel, and they agreed to

1 try to negotiate a settlement on visitation and would be filing a Motion for Relief with the Family
2 Court if a resolution with Intervenor was not obtained. On November 9, 2021, MLO informed
3 Sergeant Matthew Downing that Intervenor's counsel had not been responding and therefore
4 MLO would be filing the appropriate motions in order to resolve this matter through family court
5 system in the immediate future.
6

7 9. MLO emailed Intervenor's counsel on October 27, 2021, and October 29, 2021, to
8 set up a phone call to discuss a potential settlement and no response was received. MLO then
9 sent a follow up email on November 5, 2021, that stated "**My client would like to offer some**
10 **interim visitation during the upcoming holidays, but I have not heard back from you**
11 **regarding our attempts to schedule a telephone call.** Please provide your availability to
12 discuss as soon as possible as I am trying to avoid unnecessary expensive litigation if possible."
13 No response was received.
14

15 10. On November 16, 2021, MLO was notified by MOM that Michigan law
16 enforcement arrived at the maternal grandmother's home with the Court Order. MLO explained
17 the situation to Officer Whitcombe and stated that a Motion would be filed in the immediate
18 future with the Clark County Family Court to resolve this matter.
19

20 11. On the morning of November 17, 2021, MOM and Intervenor received an email
21 from the Superintendent of Xy'shone and Xaia's school stating:
22

23 The District has received communications from each of you regarding minor
24 children enrolled in the District. Ms. White has produced a Nevada court order
25 dated March 30, 2021, which provides law enforcement of any jurisdiction the
26 authority to assist Ms. White in obtaining physical custody of the children. The
27 District has consulted with its legal counsel on this matter. **Please be advised that**
28 **if a law enforcement officer presents the order to the school and directs a**
District administrator to release the children to law enforcement, the District
will comply. If there is a more recent court order addressing this matter,
please provide the District a copy of the order. The District will not discuss

1 **this matter further with either party, unless a new court order is presented**
2 **that warrants discussion.** (Emphasis added.)

3 12. On November 17, 2021, MLO counsel contacted Intervenor's counsel to discuss
4 this urgent matter. Counsel was placed on hold and told that Intervenor's counsel was on
5 another call and that she would contact him shortly. However, no call was received.
6 Additionally, MLO emailed Intervenor's counsel, advising of the events that had transpired and
7 forwarded the email received from the Michigan school district and asked that Intervenor to
8 stipulate staying the Order for Return of the Minor Children dated February 30, 2021, and
9 request an immediate hearing with the Court. Again, no response was received.
10

11 13. This morning I received an email from counsel for the Minor Children's school
12 setting forth the schools' position but also indicating that Intervenor was clearly circumventing
13 Nevada law enforcement and making blatant misrepresentations to the Minor Children's school
14 that the Minor Children were missing when all of the Parties are fully aware of where the Minor
15 Children have been living in Michigan at their maternal grandmother's house since their arrival.
16

17 14. Consequently, because of the urgent nature of the circumstances addressed herein
18 and in Plaintiff's Motion, I am respectfully requesting that the Court consider the Plaintiff's
19 Motion to Stay of Order For Return of Children in order for Plaintiff to file the proper Motion for
20 the Court to hear both sides of this matter, address the necessary statutory considerations for
21 nonparental visitation rights and relocation of the Minor Children to Michigan.
22

23 ///

24 ///

25 ///

26 ///

15. This emergency Motion is not made for purposes of fraud or an improper purpose.

I declare under penalty of perjury that the foregoing is true and correct

DATED this 18th day of November 2021.

Mark J. McGarmon

MARK J. McGANNON, ESQ

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ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 8447 Sequoia Grove Ave. Las Vegas NV 89149	

An employee or agent of McGANNON LAW
OFFICE, P.C.

EXHIBIT "1"

From: **info Jacovino Law** <info@jacovinolaw.com>
Date: Tue, Sep 28, 2021 at 11:29 AM
Subject: D-19-594413-C/ Jones
To: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Good Morning,

I represent Grandmother, Kimberly White. She was awarded visitation last year and a pick up order for the children when mom moved out of state.

I would be happy to discuss the case with you. Please provide a few dates and times for a quick call.

Regards,

Janice Jacovino, Esq.

JACOVINO LAW OFFICE

m. 6069 S Fort Apache Rd. Suite 100

Las Vegas, NV 89148

p. 702.776.7179

e. info@jacovinolaw.com

w. www.Jacovinolaw.com

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SETTLEMENT: *Discussions and terms in these emails are for settlement purposes only.*

RELATIONSHIP: *No attorney-client relationship is formed unless payment is tendered and the retainer has been fully executed.*

EXHIBIT "2"

Jean McGannon

From: mark@mcgannonlawoffice.com
Sent: Friday, October 8, 2021 4:54 PM
To: 'Matthew Downing'
Cc: info@jacovinolaw.com; 'Jean McGannon'
Subject: RE: Tamika Jones D-19-594413-C

Dear Officer Downing,

Please allow this to confirm that I have discussed the matter with Kimberly White's (grandmother's) counsel Janice Jacovino, Esq. and we have agreed to try to negotiate a settlement on visitation within approximately a 2 week timeframe. If this is unsuccessful, I will thereafter file an appropriate Motion with the Family Court seeking immediate relief from the current Court orders. I will keep you informed of any change in circumstances.

Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>
Sent: Wednesday, October 6, 2021 5:18 PM
To: mark@mcgannonlawoffice.com
Subject: RE: Tamika Jones D-19-594413-C

Hey Mark,

I was out of the office this afternoon. If you don't get me at my desk, please use my cell. I have a meeting tomorrow afternoon that should last until no later than 3pm. I'll give you a call after that or you can try and call me. Let me know what number is best.

Thanks,

Sergeant Matt Downing P#8260

Missing Persons/Animal Cruelty Detail

Desk: 702-828-3077

Cell: 702-281-9310

m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."

-John F. Kennedy

From: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Sent: Wednesday, October 6, 2021 4:13 PM

To: Matthew Downing <M8260D@LVMPD.COM>

Subject: RE: Tamika Jones D-19-594413-C

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Hi Matt,

Sorry I have been tied up, but I just tried to call you. I have telephone call with the grandmother's counsel tomorrow at 1:30. Let me know when your available tomorrow afternoon after that to discuss.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>

Sent: Tuesday, October 5, 2021 2:35 PM

To: mark@mcgannonlawoffice.com

Subject: Tamika Jones D-19-594413-C

Mark,

Can you please give me a call reference the above case as soon as possible? My detail is working the criminal case against your client and I need to get further information from you as we're trying to make a determination on how we're going to proceed.

Thanks,

Sergeant Matt Downing P#8260
Missing Persons/Animal Cruelty Detail
Desk: 702-828-3077
Cell: 702-281-9310
m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."
-John F. Kennedy

EXHIBIT "3"

Jean McGannon

From: mark@mcgannonlawoffice.com
Sent: Friday, November 5, 2021 4:38 PM
To: info@jacovinolaw.com
Cc: 'Jean McGannon'
Subject: FW: JONES.TAMIKA - Phone conference request

Hi Janice,

My client would like to offer some interim visitation during the upcoming holidays, but I have not heard back from you regarding our attempts to schedule a telephone call. Please provide your availability to discuss as soon as possible as I am trying to avoid unnecessary expensive litigation if possible. Please let me know by Monday. Thanks.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Wednesday, October 27, 2021 4:37 PM
To: info@jacovinolaw.com
Cc: Mark@McGannonLawOffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano' <theresa@mcgannonlawoffice.com>
Subject: JONES.TAMIKA - Phone conference request

Good afternoon Janice,

Mark would like to set up a call with you tomorrow or Friday to discuss the above referenced case. Mark is available between 11-3 PM tomorrow and 11-2 PM on Friday. Please let us know if you are available during any of those times?

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

Jean McGannon

From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Friday, October 29, 2021 9:29 AM
To: info@jacovinolaw.com
Cc: mark@mcgannonlawoffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano'
Subject: FW: JONES.TAMIKA - Phone conference request

Good morning Janice,

I just wanted to follow up with you regarding my email from yesterday. Mark would like to set up a call with you as soon as you are available. Mark is available today between 11-2 PM and has most days available next week. Please let us know your availability.

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

From: Jean McGannon <jean@mcgannonlawoffice.com>
Sent: Wednesday, October 27, 2021 4:37 PM
To: info@jacovinolaw.com
Cc: Mark@McGannonLawOffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano' <theresa@mcgannonlawoffice.com>
Subject: JONES.TAMIKA - Phone conference request

Good afternoon Janice,

Mark would like to set up a call with you tomorrow or Friday to discuss the above referenced case. Mark is available between 11-3 PM tomorrow and 11-2 PM on Friday. Please let us know if you are available during any of those times?

Sincerely,

Jean McGannon - Office Manager/Paralegal
McGannon Law Office
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Office: 702-888-6606
Cell: 702-575-7740



McGannon Law Office

EXHIBIT "4"

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamika18092@gmail.com
Cc: "Jennifer K. Starlin" <jstarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools
Office: 248-586-8653
Email: Dania.Bazzi@FerndaleSchools.org

"Excellence in education is when we do everything that we can to make sure they become everything that they can." - Carol Ann Tomlinson

One Team, Endless Dreams

EXHIBIT "5"

Jean McGannon

From: Mark McGannon <mark@mcgannonlawoffice.com>
Sent: Wednesday, November 17, 2021 11:57 AM
To: info@jacovinolaw.com
Cc: Jean McGannon; Theresa Luciano
Subject: JONES.TAMIKA - Urgent

Dear Janice,

I tried to contact you telephonically this morning expressing the urgency of discussing this matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client is seeking to inappropriately influence the Michigan police and the minor children's school for the immediate return of the children. Removing the children from school and their mother and 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.

Please let me know if you will stipulate to staying the Order for Return of the Minor Children dated February 30, 2021. We will request an immediate hearing with the Court in the Stipulation. Should we not immediately hear from you, we will have no alternative but to file an Emergency Motion in this regard.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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----- Forwarded message -----

From: **Tamika Jones** <tamikaj8092@gmail.com>
Date: Wed, Nov 17, 2021 at 8:01 AM

Subject: Fwd: Hello-Students at FPS
To: <mark@mcgannonlawoffice.com>

----- Forwarded message -----

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamikaj8092@gmail.com
Cc: "Jennifer K. Starlin" <JStarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

--

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools

EXHIBIT "6"

From: Jennifer K. Starlin <JStarlin@ThrunLaw.com>
Sent: Thursday, November 18, 2021 4:59 AM
To: mark@mcgannonlawoffice.com; info@jacovinolaw.com
Subject: Ferndale Public Schools - Custody Dispute

Good morning:

This Firm represents the Ferndale Public Schools. All communications on this matter should therefore be directed to me, not to the District.

As each of you is aware, Ferndale Public Schools has been contacted by several individuals regarding a custody matter that I understand is ongoing in Nevada. I am writing to both of you to ensure there is no miscommunication. I cannot share further specifics about the children with either of you unless I receive a consent form signed by a parent allowing the disclosure of student record information to you.

The mother enrolled the students in the District this school year. During the enrollment process, the District noted nothing unusual and had no reason to suspect any problems.

The students' grandmother contacted the District in October, sent a copy of the order and a "missing person" sign, and requested confirmation that the students were enrolled in the District. She also sought clarification as to whether the District would release the students to her if she arrived to retrieve them. The District confirmed the students' grade levels (which the District has designated as directory information under FERPA; the parent has not opted out of permitting such disclosure). The District also notified the grandmother that the District would only permit pick-up under one of two circumstances: (1) grandmother provides signed parental consent allowing her to pick-up the students; or (2) grandmother is accompanied by law enforcement, and the law enforcement officer confirms that he or she is assisting in enforcing the court order. The District sought guidance from the Ferndale Police and the Michigan State Police, but both entities confirmed they were not involved in this matter.

After relaying that information to the grandmother, the District received voicemails from the mother, claiming that the grandmother was going to improperly try to retrieve the children; that "lawyers had to get involved"; and that the District should NOT release the students to the grandmother or police. In response to that voicemail, the District's superintendent sent the following email to the grandmother and the mother:

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further

with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

In response to that email, I was contacted by Mr. McGannon, someone claiming to be the maternal grandmother, and Ms. White. I have not responded to either grandmother, and I do not plan to speak to them about this matter. Please relay the following to your clients:

- The District has, at all times, complied with state and federal law on this matter.
- The court order does not appear to be "sealed," and a copy was given to the District by the grandmother. Once it entered the District's possession, without guidance from a court to the contrary, it became a student education record under FERPA, and the students' parents are entitled to review the record. If the existence of the court order should not have been shared with the mother, then Ms. White or her attorney should have clarified earlier. As written, however, I see nothing that indicates that the order (now 8 months old) was intended to be confidential, and the order itself indicates that it was already served, by mail, on the parents. Allegations that the District violated a court order (to which it is not a party) or improperly disclosed the order's existence to the mother are untrue.
- In any event, the mother contacted the District warning of the pending pick-up *before* the District shared the order. Based on the voicemails from the mother, it is the District's understanding that there was a conversation between the mother and grandmother about picking up the students that did not go well.

The District is caught in the middle of what appears to be a messy family situation. Allegations that the District engaged in wrongdoing are untrue and not productive. If anyone wants to discuss this matter with the District, those communications should come from your offices to my office, not to the District.

I anticipate that the two of you will sort this matter out and exclude the District from this ongoing narrative. I appreciate your prompt attention to resolving this matter. Please contact me if you have any questions.

Jennifer K. Starlin, Attorney

Thrun Law Firm, P.C.

Phone 517.374.8834 - Fax 517.484.0081

jstarlin@thrunlaw.com – www.thrunlaw.com



P.O. Box 2575

East Lansing, MI 48826

For deliveries only:

2900 West Road, Suite 400

East Lansing, MI 48823

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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/18/2021 4:47 PM
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 Emergency Motion For Stay Of Order For Return Of Children in the above-entitled matter is set for hearing as follows:

Date: January 31, 2022
Time: 2:30 PM
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/ Cecilia Dixon
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/ Cecilia Dixon
Deputy Clerk of the Court



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

24 COMES NOW, Plaintiff, TAMIKA BEATRICE JONES, by and through her
25 counsel of record, Mark J. McGannon, Esq. of the McGANNON LAW OFFICE, P.C.,
26 appearing in an unbundled capacity, and hereby moves this Honorable Court that the time
27 be shortened to hear her Emergency Motion for Stay of Order for Return of Children.

28 This application 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

///

///

///

1 not to delay justice.

2 DATED this 19th day of November 2021.

3 McGANNON LAW OFFICE, P.C.

4
5 BY: */s/ Mark J. McGannon*

6 MARK J. McGANNON
7 Nevada State Bar No. 005419
8 5550 Painted Mirage Rd., Suite 320
9 Las Vegas, NV 89149
10 Ph.: (702)888-6606
11 *Attorneys for Plaintiff*

12 **ORDER SHORTENING TIME**

13 It is proper exercise of discretion for this Honorable Court to hear the instant motion on
14 an Order Shortening Time upon Declaration of counsel describing the circumstances claimed to
15 constitute good cause and justify shortening time. EDCR 2.26 states:

16 Ex parte motions to shorten time may not be granted except upon an unsworn
17 declaration under penalty of perjury or affidavit of counsel describing the
18 circumstances claimed to constitute good cause and justify shortening of time. If a
19 motion to shorten time is granted, it must be served upon all parties promptly. An
20 order which shortens the notice of a hearing to less than 10 days may not be
21 served by mail. In no event may the notice of the hearing of a motion be
22 shortened to less than 1 full judicial day. A courtesy copy shall be delivered by
23 the movant to the appropriate department, if a motion is filed on an order
24 shortening time and noticed on less than 10 days' notice.

25 Moreover, as set forth in EDCR 5.513 pertaining to Family Division matters states:

26 (a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening
27 time for a hearing.

28 (b) An *ex parte* motion to shorten time must explain the need to shorten the time. Such a
motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after
service of the underlying motion on the nonmoving parties. Any motion for order shortening time
filed before service of the underlying motion must provide a satisfactory explanation why it is
necessary to do so.

(d) An order shortening time must be served on all parties promptly. An order that shortens
the notice of a hearing to less than 10 calendar days may not be served by mail. In no event may a
motion be heard less than 1 judicial day after the order shortening time is filed and served.

1 (e) Should the court shorten the time for the hearing of a motion, the court may direct that the
2 subject matter of any countermotion be addressed at the accelerated time, at the original hearing
3 time, or at some other time.

4 For the following reasons, this Honorable Court must hear this motion on an Order
5 Shortening Time.

6 **DECLARATION OF MARK J. McGANNON, ESQ.**
7 **IN SUPPORT OF MOTION FOR ORDER SHORTENING TIME**

8 I, Mark J. McGannon, Esq., being first duly sworn deposes and says:

9 1. I am the attorney for the Plaintiff, TAMIKA BEATRICE JONES ("MOM").

10 2. I am over the age of eighteen (18) years and competent to testify to the matters set
11 forth herein.

12 3. I am submitting this Declaration in Support of Plaintiff's Ex-Parte Application for
13 Order Shortening Time.

14 4. I make this declaration based on my personal knowledge of the facts stated
15 herein.

16 5. That the Hearing for Defendant's Emergency Motion for Stay of Order for Return
17 of Children is currently set for January 31, 2021, at 2:30 p.m.

18 6. That grandmother/Intervenor does not have the Minor Children's best interests in
19 mind.

20 7. As set forth in her Emergency Motion for Stay of Order for Return of Children
21 dated March 30, 2021, instead of seeking to negotiate visitation with the Minor Children or allow
22 Plaintiff time to file an appropriate Motion to Resolve Custody and Visitation and seeking formal
23 Court permission to relocate out of state with the Minor Children, Intervenor is presently
24 aggressively seeking to circumvent Nevada law enforcement and the Nevada Attorney General
25 who are unwilling to assist her pending this Court's custody determination and is making blatant
26
27
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1 malicious misrepresentations to Michigan law enforcement and the Minor Children's Michigan
2 school that the Minor Children were missing when all of the Parties have been fully aware of
3 where the Minor Children have been living in Michigan at their maternal grandmother's house
4 since their arrival.
5

6 8. All of the Minor Children are well and according to Michigan law enforcement
7 there are absolutely no signs of abuse or neglect. Moreover, the Minor Children, Xy'shone and
8 Xaia, are enrolled in school where they are thriving, and it would certainly not be in their best
9 interests to be ripped from their home and school.
10

11 9. It is imperative that the Court consider the Plaintiff's Motion to Stay of Order For
12 Return of Children in the immediate future to prevent Intervenor from removing the Minor
13 Children from their home, their natural MOM and their school in order to satisfy Intervenor's
14 selfish reasons, and to allow Plaintiff to file a proper Motion for the Court to hear both sides of
15 this matter, address the necessary statutory considerations for nonparental visitation rights and
16 formal relocation of the Minor Children to Michigan.
17

18 10. Consequently, because of the urgent nature of the circumstances addressed herein
19 and in Plaintiff's Motion, I am respectfully requesting that the Court consider the Plaintiff's
20 request for an Order Shortening Time for the hearing of her Emergency Motion for Stay of Order
21 for Return of Children.
22

23 11. This application for order shortening time is not made for purposes of fraud or
24 an improper purpose.

25 I declare under penalty of perjury that the foregoing is true and correct

26 DATED this 19th day of November 2021.

27 *Mark J. McGannon*

28 _____
MARK J. McGANNON, ESQ

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law office of McGANNON LAW OFFICE, P.C. that service of the foregoing EX-PARTE APPLICATION FOR AN ORDER SHORTENING TIME was made on this 19th day of November, 2021, pursuant to EDCR 8.05, by electronic service via the Court's E-Filing System, or if not on the service list by depositing the same in the United States Mail in Las Vegas, Nevada, postage paid addressed as follows:

ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 8447 Sequoia Grove Ave. Las Vegas NV 89149	

/s/ Mark J. McGannon
An employee or agent of McGANNON LAW
OFFICE, P.C.

Heather S. Smith

CLERK OF THE COURT

ORDR

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,)	
DEFENDANT,)	
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

ORDER SHORTENING TIME

Upon application of Mark J. McGannon, Esq. of the McGANNON LAW OFFICE, P.C., appearing on behalf of Plaintiff, TAMIKA BEATRICE JONES, in an unbundled capacity, and good cause shown, it is hereby **ORDERED** that the hearing for Plaintiff's Emergency Motion for Stay of Order for Return of Children currently scheduled for

///

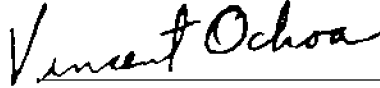
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January 20, 2022,
the 31st day of January 2022 at 2:30 p.m. shall be shortened to the 10:15 AM day of
2021, at the hour of 10 15 AM a.m./p.m. in Department S of the
above-entitled Court.

IT IS SO ORDERED.

Dated this 19th day of November, 2021



**C6B EDB 7CD8 9269
Vincent Ochoa
District Court Judge**

Submitted by:

/s/ Mark J. McGannon

Mark J. McGannon, Esq.
Nevada Bar # 5419
McGANNON LAW OFFICE, P.C.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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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 Shortening Time was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/19/2021

15 Mark McGannon mark@mcgannonlawoffice.com
16 Jean McGannon jean@mcgannonlawoffice.com
17 Janice Jacovino info@jacovinolaw.com
18 Admin Staff efile@mcgannonlawoffice.com
19
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MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
McGANNON LAW OFFICE, P.C.
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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,)	
DEFENDANT,	)	<u>NOTICE OF ENTRY OF ORDER</u>
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

Please take notice that an Order Shortening Time was duly entered in the above referenced case on the 19th day of November 2021, a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 19th day of November 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

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ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 8447 Sequoia Grove Ave. Las Vegas NV 89149	

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Heather S. Smith

CLERK OF THE COURT

ORDR

MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
McGANNON LAW OFFICE, P.C.
5550 Painted Mirage Rd., Suite 320
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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,)	
DEFENDANT,)	
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

ORDER SHORTENING TIME

Upon application of Mark J. McGannon, Esq. of the McGANNON LAW OFFICE, P.C., appearing on behalf of Plaintiff, TAMIKA BEATRICE JONES, in an unbundled capacity, and good cause shown, it is hereby **ORDERED** that the hearing for Plaintiff's Emergency Motion for Stay of Order for Return of Children currently scheduled for

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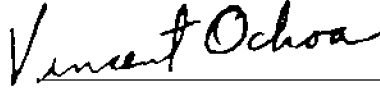
///

///

1 the 31st day of January 2022 at 2:30 p.m. shall be shortened to the January 20, 2022,
2 at 10:15 AM day of 10 15 AM
3 2021, at the hour of 10 15 AM a.m./p.m. in Department S of the
4 above-entitled Court.

5 **IT IS SO ORDERED.**

Dated this 19th day of November, 2021

6 
7

8 **C6B EDB 7CD8 9269**
9 **Vincent Ochoa**
10 **District Court Judge**

Submitted by:

11 /s/ Mark J. McGannon

12 Mark J. McGannon, Esq.

13 Nevada Bar # 5419

14 McGANNON LAW OFFICE, P.C.

15 5550 Painted Mirage Rd., Suite 320

16 Las Vegas, NV 89149

17 Attorney for Plaintiff

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**

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13 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/19/2021

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17 Janice Jacovino info@jacovinolaw.com
18 Admin Staff efile@mcgannonlawoffice.com
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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
13
14 **NOTICE OF HEARING**

15 Please be advised that the above-entitled matter has been scheduled for a
16 Return Hearing to be heard by the Honorable Vincent Ochoa, at the
17 Family Courts & Services Center, Courtroom 7, Las Vegas, Nevada, on the
18 20th day of January, 2022, at the hour of 10:15 AM.

19 Honorable Vincent Ochoa

20 By: /S/ Deniece Lopez
21 Judicial Executive Assistant
22 Department S
23
24
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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
Janice E Jacovino

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

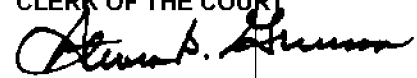
Christopher Charles Judson
8447 Sequoia Grove AVE
Las Vegas, NV 89149

Janice E Jacovino
6069 S Fort Apache BLVD STE 100
Las Vegas, NV 89148

Mark J McGannon
McGannon Law Office
5550 Painted Mirage Rd
Suite 320
Las Vegas, NV 89149

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

/s/ Deniece Lopez
Judicial Executive Assistant
Department S



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) DEPT NO.: S
16 v.)
17)
18 CHRISTOPHER CHARLES JUDSON,)
19 DEFENDANT,)
20)
21 v.)
22)
23)
24 KIMBERLY WHITE,)
25 INTERVENOR.)

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

27 COMES NOW, Plaintiff, TAMIKA BEATRICE JONES, by and through her
28 counsel of record, Mark J. McGannon, Esq. of the McGANNON LAW OFFICE, P.C.,
appearing in an unbundled capacity, and hereby moves this Honorable Court that the time
be shortened to hear the Return Hearing on Intervenor's Motion to Enforce Visitation Order,
Contempt, a Pickup Order of Minor Children and for Attorney's Fees and Costs.

This application is made and based upon all the Memorandum of Points and Authorities,
papers and pleadings on file, the attached Declaration of Plaintiff, Declaration of Mark J.
McGannon, Esq., attorney for Plaintiff, and is made in good faith and

1 not to delay justice.

2 DATED this 13th day of December 2021.

3 McGANNON LAW OFFICE, P.C.

4
5 BY: */s/ Mark J. McGannon*

6 MARK J. McGANNON
7 Nevada State Bar No. 005419
8 5550 Painted Mirage Rd., Suite 320
9 Las Vegas, NV 89149
10 Ph.: (702)888-6606
11 *Attorneys for Plaintiff*

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I.**

14 **FACTS AND PROCEDURE**

15 Unfortunately, Plaintiff, TAMIKA BEATRICE JONES, (“MOM” or “TAMIKA”) the
16 Minor Children’s natural mother has been denied due process at several times in this child
17 custody matter. On August 12, 2019, TAMIKA filed her Complaint for Custody against
18 Defendant, CHRISTOPHER CHARLES JUDSON (“DAD” or CHRIS”). Also on August 12,
19 2019, TAMIKA filed her Motion for Temporary Custody Orders. Her Motion came on for
20 hearing on September 19, 2019, at which time contrary to INTERVENOR’s misrepresentations
21 the Parties/the Natural Parents were awarded temporary joint legal and joint physical custody by
22 the Court.
23

24 In June 2020 TAMIKA and CHRIS were together coparenting under the temporary
25 orders and parenting agreement that they came up with. TAMIKA went to Michigan with
26 CHRIS’ permission on vacation with the Minor Children in June 2020. On July 1, 2020,
27 INTERVENOR with knowledge that the Natural Parents had reconciled and were living together
28

1 with the Minor Children apparently became angry and filed her Motion to Intervene appallingly
2 misrepresenting that TAMIKA had left the state and that the Minor Children were missing. The
3 Motion to Intervene was purposefully served on CHRIS at 8447 Sequoia Grove Avenue, Las
4 Vegas 89149, an address that INTERVENOR knew was incorrect because it was
5 INTERVENOR's own old address where they had previously lived together, and where CHRIS
6 certainly no longer lived. Moreover, TAMIKA was served at 730 E. Craig Rd. Apt. 2088, Bldg.
7 15, Las Vegas, NV 89115; her address was actually 4730 E. Craig Rd. Apt. 2088, Bldg. 15, Las
8 Vegas, NV 89115. INTERVENOR blatantly misrepresented to the Court that she was the
9 caretaker of the Minor Children (even though she evidently works full time as a physician's
10 assistant), that TAMIKA had fled the jurisdiction and their current location was unknown.
11 Moreover, she sought permanent custody of the Minor Children by merely stating that the
12 natural parents showed a pattern of instability without submitting a single iota of evidentiary
13 support and certainly no allegations of abuse, neglect, CPS or police involvement. Simply the
14 unsupported allegations of a grandparent who self-servingly wants another shot at parenting and
15 believes she should be the Minor Children's substitute mother much to the extreme detriment of
16 the Minor Children and the Natural Parents. Thus, neither of the Natural Parents were served
17 with INTERVENOR's inappropriate Motion for Intervention seeking to take custody of their
18 Minor Children away from them, and evidently the Order granting intervention was granted
19 without their consent or participation at a hearing held on August 5, 2020. The Order from the
20 August 5, 2020, hearing states that INTERVENOR was granted grandparent visitation, even
21 though she did not properly allege or even request it pursuant to NRS 125C.050 in her Motion.
22 The Order further allowed INTERVENOR to locate the Minor Children, even though she was
23 well aware that TAMIKA and the Minor Children were staying with the maternal grandmother in
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1 Ferndale, Michigan (at a house maternal grandmother has lived in all her life which
2 INTERVENOR has actually been to) and provided for a pickup order for the return of the
3 children to Las Vegas. INTERVENOR was also somehow given physical custody of the Minor
4 Children pending an immediate hearing upon their return.
5

6 On August 31, 2020, another hearing was held where TAMIKA was present on the phone
7 and without understanding what had previously transpired represented that her and CHRIS were
8 presently living together and she had left the state on vacation to see their family in Michigan.
9 Again, without seeking any type of written response or testimony from TAMIKA or CHRIS, and
10 without INTERVENOR ever requesting grandparent visitation or considering the statutory
11 requirements of grandparent visitation, the Court Ordered INTERVENOR to have temporary
12 visitation every 2nd and 5th weekend of the month, and a week's summer vacation with the
13 Parties to attend mediation to formulate a visitation plan for INTERVENOR.
14

15 Evidently, the Court never issued an Order for Mediation and a follow-up hearing was
16 held on November 3, 2021. The Court noted the Order dated September 14, 2020, hearing,
17 which TAMIKA represented she had never received, and which was again sent to TAMIKA at
18 the incorrect address set forth above! TAMIKA had concerns about INTERVENOR giving her
19 child medication, and the Court Ordered INTERVENOR not to give medication to the children
20 **unless** she talked to Mother. The Court Ordered that they go to mediation to formulate a
21 visitation plan for INTERVENOR. The Court also Ordered that the Parties try to come to an
22 agreement regarding Christmas visitation with INTEVENOR, if no agreement, **Counsel may**
23 **call Chambers after Thanksgiving to set an emergency hearing before Christmas.** No
24 formal Order was issued for this Hearing or provided to the Parties.
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1 Tamika moved to Ferndale Michigan with the Minor Children to live with their maternal
2 grandmother at CHRIS' request and permission in November 2020. Notwithstanding, the
3 Court's Order allowing INTERVENOR's counsel the right to call to set an emergency hearing
4 and possibly give the Natural Parents the opportunity to participate in custody matters involving
5 their own Minor Children. Instead, Counsel for INTERVENOR again attempted to circumvent
6 the Natural Parents' due process rights and on December 8, 2020, filed an Ex Parte Motion for
7 Return of the Children seeking the return of the Minor Children and the arrest of the TAMIKA,
8 the Natural Mother, who left to relocate to Michigan with the permission of the Natural Father.
9 This Ex Parte Motion stated NO HEARING REQUESTED and was not served on the Natural
10 Parents. INTERVENOR simultaneously filed her Motion to Enforce Visitation Order, Motion
11 for Contempt, Motion for Pickup Order and Attorney Fees and Costs ("Motion to Enforce").
12 This Motion also states NO HEARING REQUESTED and there is a Certificate of Service
13 mailing the Motion to Father at INTERVENOR's old address and Mother at her old Las Vegas
14 address. On December 10, 2020, the Clerk of the Court issued a Notice of Hearing for the
15 Motion to Enforce for February 2, 2021, and clearly stated that No Appearance Required. Of
16 note, the Notice of Hearing was served to all registered users on the e-service list which
17 unfortunately did not include the Natural Parents.

18 On December 16, 2020, INTERVENOR filed an Ex Parte Motion for An Order
19 Shortening Time stating that "All parties have been served with the Motion, Notice of Hearing
20 and the February 2, 2021. [sic]. However, there is no Certificate of Service evidencing that the
21 Notice of Hearing was ever even mailed to the Natural Parents, and even if it had it explicitly
22 stated that NO Appearance was Required!

1 Apparently, the Order to Shorten Time was not granted, and on February 3, 2021, the
2 Court in chambers determined that it would hear oral arguments on Intervenor's Motion to
3 Enforce. The matter was reset for February 24, 2021. Evidently, although she had never seen
4 any of the documents previously filed by INTERVENOR, the Court emailed her an invitation to
5 a meeting and provided a Blue Jeans Link without any explanation whatsoever. (Please see link
6 attached hereto as **Exhibit "1"**). Unfortunately, she did not exactly understand the Blue Jean
7 Link and when she accepted the calendar appointment the hearing that was set for 9:15 AM Las
8 Vegas time had automatically converted to her time zone and listed the hearing at 12:15 PM on
9 her calendar and she inadvertently added 3 more hours to that time and therefore, she missed
10 participating in the hearing. It should also be noted, that when Tamika contacted the Court, she
11 also had the Natural Father, CHRIS on a 3-way call so that he could participate in the hearing as
12 well. The Court simply informed Tamika that she had missed the hearing but did not give her
13 any additional information or instructions.
14
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17 Without the Natural Parents' participation or attendance, a hearing was held on February
18 24, 2021, on Intervenor's Motion to Enforce Visitation Order, Contempt, a Pickup Order of
19 Minor Children and for Attorney's Fees and Costs. The Court noted its reluctance at the hearing
20 and explained that "it's hard for the mother to be charged with abduction." The Court issued its
21 Order from the February 24, 2021, Hearing on March 30, 2021. The Court specifically Ordered
22 that temporarily if Mother is going to reside in Michigan, grandmother shall get 2-3 weeks in the
23 summer, one week spring and one week in the winter. Clearly, demonstrating that TAMIKA and
24 the Minor were not permanently Ordered to remain in Nevada as misrepresented by
25 INTERVENOR to TAMIKA.
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1 The Court also issued its Order for Return of Children on March 30, 2021, over a month
2 later obviously indicating that there was no safety or emergent circumstances! The Order
3 disturbingly ordered that INTERVENOR was “**awarded temporary sole physical custody of**
4 **the children pending further order of this Court.**” Thereafter, the Order from the February
5 24, 2021, Hearing and Order for Return of the Children were never sent to TAMIKA even
6 though she had provided the Court with her new email address, and Intervenor and her counsel
7 knew she had relocated to Michigan, **knew the address where she was living in Michigan**, and
8 knew she no longer lived at the old Las Vegas address the Orders were sent to and presumably
9 returned!¹

12 MOM did not know about the Court Orders until she was contacted by the Nevada
13 Attorney General’s Office in late mid-September 2021. Upon being told by the AG that they
14 were in receipt of the Order for Return of the Children and Order from September 24, 2021,
15 Hearing which she had never previously seen, the AG sent her the most recent Court Orders.
16 She was also told that she needed to immediately contact an attorney to appear in the family
17 court matter regarding these Orders or they would be forced to intervene at the insistence of the
18 Intervenor.

20 Thereafter, MOM contacted the McGannon Law Office (“MLO”), whom she retained to
21 attempt to negotiate a resolution. MLO immediately filed a Notice of Appearance on September
22 25, 2021, and was contacted by Intervenor’s counsel on September 28, 2021, who requested
23 several available dates to discuss the case. (Please see email attached as **Exhibit “2”**). Counsel
24

27 ¹ Of note, MOM had contacted DAD on several occasions who knew and verbally agreed to her
28 relocation to Michigan with the Minor Children.

1 had a productive telephone call on October 7, 2021, in which potential visitation with Intervenor
2 was discussed and that the Parties would work to negotiate a resolution. MLO was contacted by
3 Sergeant Matthew Downing of the Las Vegas Metropolitan Police Department and discussed
4 with him that the Nevada Attorney General and Las Vegas Metropolitan Police Department were
5 going to have get involved in the return of the Minor Children if no action was taken on Ms.
6 Jones' behalf. Importantly, he represented that they would rather have the matter resolved by the
7 Family Court. MOM's counsel represented that he would be filing a Motion for Relief with the
8 Family Court if a resolution with Intervenor was not obtained. This was confirmed in email
9 dated October 8, 2021. (Please see email attached as **Exhibit "3"**).

12 Since that time counsel has reached out to Intervenor's counsel on numerous occasions to
13 attempt to resolve this matter only to never receive another response. (Please see emails attached
14 hereto as **Exhibit "4"**). Evidently, Intervenor instead of negotiating a resolution to the matter
15 and seeking to circumvent MOM's counsel bringing a proper Motion before this Court,
16 aggressively sought to have Michigan law enforcement enforce the Order for Return of the
17 Children. Michigan State Police arrived at the maternal grandmother's home with the Court
18 Order on November 16, 2021. Counsel for MOM explained the situation to Officer Whitcombe
19 of the Michigan State Police and stated that a Motion would be filed in the immediate future with
20 the Clark County Family Court to resolve this matter. **Officer Whitcombe stated that he**
21 **would have a hard time removing these children from their home and mother especially**
22 **when there was absolutely no signs of abuse or neglect.** Needless to say, the Minor Children
23 were traumatized by the police showing up at their house. The Michigan State Police made it
24 clear to TAMIKA , her counsel and INTERVENOR that they would not be enforcing the Nevada
25 Orders and take the Minor Children from their Natural Mother!

1 On the morning of November 17, 2021, MOM and Intervenor received an email from the
2 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 "5").

15 Thus, INTERVENOR sought not only to involve Michigan law enforcement in this
16 matter, but also needlessly involved the Minor Children's school in this matter seeking to disrupt
17 the Minor Children's lives during the middle of the school session; clearly not in the best
18 interests of the Minor Children. The school wanted no part of this fiasco.

19 Lastly, upon receipt of the above email, MOM's counsel contacted INTERVENOR's
20 counsel to discuss this urgent matter. Counsel was placed on hold and told that
21 INTERVENOR's counsel was on another call and that she would contact him shortly. Of
22 course, the call was never received.

23 Instead, MOM's counsel was forced to send the following email:

24 Dear Janice,

25 I tried to contact you telephonically this morning expressing the urgency of discussing this
26 matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client
27 is seeking to inappropriately influence the Michigan police and the minor children's school for
28 the immediate return of the children. Removing the children from school and their mother and
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**

1 **the Las Vegas Metropolitan Police Department and Nevada Attorney General are not**
2 **pursuing this matter until the matter is resolved civilly in the Nevada Family Court case.**

3 Please let me know if you will stipulate to staying the Order for Return of the Minor Children
4 dated February 30, 2021. We will request an immediate hearing with the Court in the
5 Stipulation. Should we not immediately hear from you, we will have no alternative but to file an
6 Emergency Motion in this regard.” (Please see email attached as **Exhibit “6”**; Emphasis added).

7 Additionally, counsel for MOM received another email from counsel for the Minor
8 Children’s school attached hereto as **Exhibit “7”** clearly demonstrating the depths of
9 INTERVENOR’s inappropriate behavior wherein it states that INTERVENOR contacted the
10 school and provided them with a copy of the order and a **“missing person” sign!**
11 INTERVENOR knew full well that the Minor Children are not missing but have been residing in
12 Michigan at their maternal grandmother’s house with the Natural Father’s knowledge and
13 permission; yet blatantly misrepresented their status to law enforcement and school authorities!

14 Thereafter, counsel for TAMIKA filed an Emergency Ex Parte Motion for Stay of Order
15 for Return of the Child desperately seeking to prevent INTERVENOR from removing the Minor
16 Children from their home, their natural MOM and their school in order to satisfy Intervenor’s
17 selfish reasons. Unfortunately, instead of setting a telephonic or expedited hearing, this Motion
18 was denied, and the Court stated that both parties may submit a joint letter for a telephone
19 conference and the Court may consider a request for telephone conference. Which of course
20 made it impossible as counsel for Intervenor refused to communicate to TAMIKA’s counsel at
21 all in a highly contested custody case!

22 As a result, on November 18, 2021, TAMIKA filed her Motion for Stay of Order for
23 Return, which was set for hearing on January 31, 2022, by the Court Clerk. TAMIKA then filed
24 her Ex Parte Application for an Order Shortening Time which was granted shortening the time
25 on this emergency to only January 20, 2022.
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1 Having received notice that the Motion to Stay was not going to be heard until late
2 January and with being in receipt of the email from the Minor Children's school counsel,
3 INTERVENOR was emboldened to ignore and circumvent the representations of the Las Vegas
4 Metropolitan Police Department, Nevada Attorney General and Michigan State Police that the
5 matter needed to be resolved in the Family Court and on November 22, 2021, sought out the
6 involvement of the Oak Park Police Department to assist her in the removal of two of the Minor
7 Children from their school!
8

9 Immediately after being notified that the Minor Children were in Intervenor's custody,
10 TAMIKA's counsel emailed the Court's Law Clerk and Intervenor's counsel and requested an
11 emergency a phone conference with the Court, (Please see email chain attached as **Exhibit "8"**).
12 As seen in the email response from the Court's Law Clerk, TAMIKA's counsel was denied the
13 telephone conference on the basis that TAMIKA's November 18, 2021, Motion was already
14 granted a shortened time from January 31, 2022, to January 20, 2022. It should be pointed out
15 that at the time that OST was granted the Minor Children were still in TAMIKA's physical
16 custody however, the request for an emergency phone conference on November 22, 2021, was
17 being sought because the children were removed from school and MOM's physical custody
18 therefore warranting an emergency hearing as the Motion hearing was nearly 60 days in the
19 future! The Court Law Clerk also advised TAMIKA's counsel that both parties may submit a
20 joint letter for a telephone conference for the Court to consider, however as TAMIKA's counsel
21 advised the Court, Intervenor's counsel, who was also included in these communications, has
22 refused any and all contact up to this point, stating:
23
24
25
26

27 *"Unfortunately, I would like to do that but opposing counsel is refusing, any and all, contact*
28 *at this time. The hearing on the OST is not until January 20, 2021, and the Minor Children*
were taken out of school (which will be resuming next week), and grandmother was never
awarded any type of legal custody. Additionally, in the Court's Order from the February 24,

1 *2021, Hearing, the Court clearly contemplated that an emergency hearing was to be*
2 *scheduled: “once the children are back in Nevada, Counsel shall notify the Court within 72*
3 *hours of the children being picked up and a hearing will be scheduled.”*

4 Pursuant to the Pickup Orders, Intervenor was to schedule a hearing within 72-hours after
5 the children were returned to Nevada. More than 10 days had passed and TAMIKA’s counsel
6 again reached out to Intervenor’s counsel in correspondence dated December 3, 2021, (Please
7 see letter dated December 3, 2021, attached hereto as **Exhibit “9”**). Requesting counsel to
8 contact the Court as Ordered to schedule the hearing otherwise, TAMIKA would be forced to file
9 a Motion to Show Cause why Intervenor should not be held in Contempt of Court.
10

11 As expected, Intervenor’s counsel has and continues to ignore all attempts to resolve this
12 matter amicably, which clearly demonstrates that it has always been about Intervenor intention to
13 have sole custody of these children and not merely grandparent visitation rights. Since willfully
14 and deliberately circumventing the Natural Parents due process rights, Intervenor, with the
15 assistance of her counsel has not only taken custody of the Minor Children from their mother,
16 school and home, but she has cutoff almost all communication with their natural parents and
17 especially their mother. From November 22, 2021, until December 8, 2021, MOM has had only
18 three phone calls with her children! All of which were on speaker phone and closely monitored
19 by Intervenor.
20

21 MOM has been begging just to speak with her children on a daily basis but it is ignored
22 or she is sent delusional text messages about how the Court has ruled that the children must
23 remain in Las Vegas and demanding that she return her youngest child over to her so they can
24 grow up in a stable environment surrounded by friends and family! (Please see text messages,
25 attached hereto as **Exhibit “10”**). MOM has been physically ill due to the stress of her Minor
26
27
28

1 Children being ripped from their home and their baby brother and recently had to withdraw from
2 her nursing program due to the enormous stress.

3 In fact, on a recent phone call on December 8, 2021, the children advised their MOM that
4 they miss their mother terribly and they are both seeing a therapist (without INTERVENOR ever
5 being granted legal custody and without their Natural Parent's consent), and claim they are very
6 sad about what is happening and also told this to the therapist. Most recently on December 10,
7 2021, INTERVENOR has informed MOM that she will not be allowed to communicate with her
8 children until the therapist, that she did not agree could see her children, determines a beneficial
9 schedule for her contact! (Please see text messages, attached hereto as **Exhibit "10"**).

10 The Minor Children also stated that Intervenor has enrolled them back in private school
11 at Innovation Academy! School which the Court had previously told Intervenor was up to the
12 Natural Parents to decide. The Minor Children were told that they would be in Las Vegas for
13 Christmas and that Intervenor has been buying them many gifts etc., trying to purchase their
14 affection. Additionally, the Minor Children (ages 10, 6) are being instructed that they have to go
15 to people houses to clean their cars, taking out the garbage and planting flowers to get money to
16 buy their toys.

17 Intervenor and her counsel have shown little to no regard for the impact this is having on
18 the Minor Children, the Natural Parents, and the entire extended family members. This is a
19 tragedy that needs immediate resolution. As with everything that has transpired in this litany of
20 lies and misrepresentation by Intervenor, she and her counsel actually believe she has parental
21 rights. As stated previously, the Minor Children's natural father and Intervenor's biological son,
22 CHRIS, not only gave TAMIKA permission to relocate to Michigan he actually requested that
23 TAMIKA relocate to Michigan in November of 2020. As seen in the signed written consent
24
25
26
27
28

1 giving TAMIKA permission to relocate with the Minor Children, (Please see signed Permission
2 to Relocate, attached hereto as **Exhibit “11”**), CHRIS is also opposed to any visitation rights be
3 given to his mother, Intervenor, KIMBERLY WHITE! In fact, now after the abduction, CHRIS
4 and TAMIKA are united together against any visitation rights being given to Intervenor given
5 her recent behavior and have serious concerns about her mental fitness and have serious concerns
6 about their Minor Children being in her physical custody. It is inconceivable what has transpired
7 in this case and the lack of urgency to get this matter addressed up until this point. There was
8 absolutely no reason for these Minor Children to be ripped from their MOM simply so
9 Intervenor could have some visitation. This has never been about visitation because if it was that
10 could have been resolved in October 2021 as soon as TAMIKA obtained counsel. This has
11 always been about Intervenor circumventing the system in order to gain sole custody of the
12 Minor Children. Intervenor initially attempted to get those rights by manipulating her own son,
13 the Minor Children’s natural father by paying for his counsel at the beginning of the case. When
14 CHRIS and TAMIKA reconciled and united against KIMBERLY, she evidently felt entitled to
15 Intervene in order to get the custody of the Minor Children that she wanted. Then through
16 manipulation of the Court system and failures to properly serve the Natural Parents and denying
17 them of due process, she was successful in abducting these Minor Children. The Court system
18 was designed to protect parents from individuals such as KIMBERLY but has utterly failed in
19 this case.

20
21
22
23
24 To add insult to injury, apparently, on or about December 7, 2021, counsel for
25 INTERVENOR inappropriately, without including TAMIKA’s counsel as required, contacted
26 the Court Ex Parte and informed it that INTEVENOR had returned from Michigan the two oldest
27 Minor Children to Las Vegas intentionally precluding counsel for TAMIKA from having any
28

1 input into the scheduling of an expedited Return Hearing previously ordered by the Court. As
2 such, the Return Hearing was set in the ordinary course for January 20, 2022, instead of being
3 expedited as it should have been done under Nevada law when the custodial rights of the parents
4 were being supplemented by a self-righteous grandparent with delusions of taking away the
5 custodial rights of the Natural Parents and becoming a parent again! It was the Court's original
6 intent to award INTERVENOR only grandparent visitation rights and not the permanent legal
7 and physical rights she is maliciously usurping presently! Thus, necessitating this Emergency
8 Application for an Order Shortening Time.²

11 II.

12 ARGUMENT

13 Importantly, under well established Nevada law, INTERVENOR is not entitled to either
14 physical custody or grand-parent visitation of the Minor Children. In Nevada usually, only
15 parents can ask for custody of a child. However, non-parents can apply to the court for visitation
16

17
18 ² Importantly, TAMIKA has been denied the right to submit to the Court her Ex Parte
19 Emergency Motion to Stay, denied the right to telephonically set an emergency telephone
20 conference with the Court unless opposing counsel agreed (counsel who will not respond in any
21 manner in this highly controversial custody case), and denied the right to a truly expedited
22 hearing when her liberty rights to her Minor Children have been concernedly interfered with (the
23 Order Shortening Time on the Emergency Motion to Stay was set more than a month out to on
24 January 20, 2021 which allowed INTERVENOR to remove two of the Minor Children from
25 school in Michigan from their Natural Mother. Of note, on the other hand, counsel for
26 INTERVENOR was previously given permission to call the Court directly in order to set an
27 expedited hearing, and recently was allowed to contact the Court Ex Parte without TAMIKA's
28 counsel being notified regarding setting the Return Hearing.

1 or guardianship of a child.

2 As stated by the Nevada Supreme Court in *Hudson v. Jones*, 122 Nev. 708, 712, 138 P.3d
3 429, 431-32 (2006):

4 “In determining the custody of a minor child, ‘the sole consideration of the court is the
5 best interest of the child.’ According to NRS 125.480(3), unless the child’s best interest requires
6 otherwise, the district court shall award custody in the following order of preference:
7

8 **(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the**
9 **court does not enter an order awarding joint custody of a child after either parent has**
10 **applied for joint custody, the court shall state in its decision the reason for its denial of the**
11 **parent’s application.**
12

13 **(b) To a person or persons in whose home the child has been living and where the**
14 **child has had a wholesome and stable environment.**
15

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

19 **(d) To any other person or persons whom the court finds suitable and able to provide**
20 **proper care and guidance for the child.**
21

22 Further, Nevada’s guardianship statute provides that the **parents or either parent** of a
23 minor child, ‘if qualified and suitable, are preferred over all others for appointment as guardian
24 for the minor.’ Interpreting the former version of these two statutes, we have concluded that they
25 create ‘**a rebuttable presumption that a fit parent is to be preferred over nonparents with**
26 **respect to child custody.**’ We have also stated that ‘[t]he best interest of the child is usually
27 served by awarding his custody to a fit parent.’ The so-called parental preference doctrine
28

1 recognizes that a parent has a constitutionally protected liberty interest in the care,
2 custody, and control of his or her child. Based upon this liberty interest, NRS 125.500(1)
3 requires that the court ‘make a finding that an award of custody to a parent would be
4 detrimental to the child and the award to a nonparent is required to serve the best interest
5 of the child’ before the district court awards custody to a nonparent without the consent of
6 the parents.” (Emphasis added.)

7
8 Moreover, in regard to any claim for grandparent visitation, pursuant to NRS 125C.050,
9 the district court may grant a non-parent visitation with a minor child if the non-parent has
10 resided and established a meaningful relationship with the child, and a parent of the child has
11 denied or unreasonably restricted visits with the child. However, if a parent denies or
12 unreasonably restricts visitation with the non-parent, there is a rebuttable presumption
13 that granting visitation to the non-parent is not in the child's best interest, and to rebut the
14 presumption, the non-parent must show by clear and convincing evidence that visitation is
15 in the child's best interest. NRS 125C.050(4). When determining whether the non-parent
16 has rebutted such a presumption, the district court must consider the factors enumerated
17 in NRS 125C.050(6).

18
19 Importantly, INTERVENOR’s misrepresentations of parental unfitness are completely
20 unsupported by any evidence of abuse, neglect, abandonment and certainly no records of any
21 police or CPS involvement. Moreover, her self-serving recitation of the things that
22 INTERVENOR provided for the benefit of the Minor Children is no more than what any other
23 child’s grandparents would do. Therefore, there is nothing in the record that would support
24 removing the Minor Children from their Natural Parent’s custody under Nevada law.
25
26 Additionally, no where in her Motion for Intervention, does she even seek grandparent visitation
27
28

1 which was granted by this Court because at the time she had not been denied the right to see the
2 Minor Children. As such her completely unsubstantiated allegations do not even support an
3 evidentiary hearing on whether she is entitled to any type of rights. Nevada law simply does not
4 allow a grandparent or other third-party the right to strip the custody rights away from the natural
5 parents just because they feel they could serve as better parents without substantial evidence of
6 abuse or neglect or that the natural parents were truly unfit parents! To allow this matter to
7 proceed further without immediate Court intervention would be a manifest denial of the Natural
8 Parents rights to liberty and justice while opening up the flood gates for inappropriate third-party
9 custodial intervention claims!
10
11

12 “[P]arents have a fundamental liberty interest in the care, custody, and control of their
13 children.” *In re Parental Rights as to A.G.*, 129 Nev. 125, 135, 295 P.3d 589, 595 (2013). And
14 due process generally requires notice and a hearing before that right is altered. *See Gordon v.*
15 *Geiger*, 133 Nev. 542, 546, 402 P.3d 671, 674 (2017). For this reason, orders that alter custody
16 sua sponte may violate due process. *See id.* at 546, 402 P.3d at 674-75 (holding that a district
17 court’s sua sponte order granting an oral request to modify a parent’s allotted time with her
18 children without providing notice and a hearing violated due process); *Micone v. Micone*, 132
19 Nev. 156, 159, 368 P.3d 1195, 1197 (2016) (**holding that a district court’s surprise order**
20 **awarding primary physical custody to nonparty grandparents violated due process where**
21 **the parents were not provided notice**).
22
23

24 *See also Shahrokhi v. Eighth Judicial Dist. Court*, (Nev. App. 2019), *citing with*
25 *approval Martin R.G. v. Ofelia G.O.*, 809 N.Y.S.2d 1, 1 (App. Div. 2005) (“[A] **hearing is**
26 **generally required before a judge may award a temporary change of custody in a non-**
27 **emergency situation.**”); *In re Vernor*, 94 S.W.3d 201, 209-10 (Tex. App. 2002) (“[M]andamus
28

1 is an appropriate remedy when a court abuses its discretion involving temporary orders in a suit
2 affecting the parent-child relationship.”). (Courtesy copy of Shahrokhi v. Eighth Judicial Dist.
3 Court is attached hereto as **Exhibit “12”**).

4 As such, TAMIKA respectfully requests that an emergency expedited Return Hearing be
5 held to resolve the insane debacle that has commenced since INTERVENOR circumvented
6 Nevada law and inappropriately sought full custody and the removal of the Minor Children from
7 their Natural Parents without any legitimate factual or legal basis and if necessary, a full
8 evidentiary hearing.
9

10 III.

11 ORDER SHORTENING TIME

12 It is proper exercise of discretion for this Honorable Court to schedule the instant Return
13 Hearing on an Order Shortening Time upon Declaration of counsel describing the circumstances
14 claimed to constitute good cause and justify shortening time. EDCR 2.26 states:
15

16 Ex parte motions to shorten time may not be granted except upon an unsworn
17 declaration under penalty of perjury or affidavit of counsel describing the
18 circumstances claimed to constitute good cause and justify shortening of time. If a
19 motion to shorten time is granted, it must be served upon all parties promptly. An
20 order which shortens the notice of a hearing to less than 10 days may not be
21 served by mail. In no event may the notice of the hearing of a motion be
22 shortened to less than 1 full judicial day. A courtesy copy shall be delivered by
23 the movant to the appropriate department, if a motion is filed on an order
24 shortening time and noticed on less than 10 days’ notice.

25 Moreover, as set forth in EDCR 5.513 pertaining to Family Division matters states:

26 (a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening
27 time for a hearing.

28 (b) An *ex parte* motion to shorten time must explain the need to shorten the time. Such a
motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after
service of the underlying motion on the nonmoving parties. Any motion for order shortening time
filed before service of the underlying motion must provide a satisfactory explanation why it is
necessary to do so.

1 (d) An order shortening time must be served on all parties promptly. An order that shortens
2 the notice of a hearing to less than 10 calendar days may not be served by mail. In no event may a
3 motion be heard less than 1 judicial day after the order shortening time is filed and served.

4 (e) Should the court shorten the time for the hearing of a motion, the court may direct that the
5 subject matter of any countermotion be addressed at the accelerated time, at the original hearing
6 time, or at some other time.

7 For the following reasons, this Honorable Court must hear this matter on an Order
8 Shortening Time for an immediate expedited Hearing.

9 **DECLARATION OF MARK J. McGANNON, ESQ.**
10 **IN SUPPORT OF MOTION FOR ORDER SHORTENING TIME**

11 I, Mark J. McGannon, Esq., being first duly sworn deposes and says:

12 1. I am the attorney for the Plaintiff, TAMIKA BEATRICE JONES ("MOM").

13 2. I am over the age of eighteen (18) years and competent to testify to the matters set
14 forth herein.

15 3. I am submitting this Declaration in Support of Plaintiff's Ex-Parte Application for
16 Order Shortening Time.

17 4. I make this declaration based on my personal knowledge of the facts stated
18 herein.

19 5. That the Return Hearing on Intervenor's Motion to Enforce Visitation Order,
20 Contempt, a Pickup Order of Minor Children and for Attorney's Fees and Costs is currently set
21 for January 20, 2022, at 10:15 a.m.

22 6. As set forth above, instead of seeking to negotiate visitation with the Minor
23 Children or allow Plaintiff time to file an appropriate Motion to Resolve Custody and Visitation
24 and seeking formal Court permission to relocate out of state with the Minor Children,
25 INTERVENOR circumvented Nevada law enforcement, the Nevada Attorney General and the
26 Michigan State Police who were unwilling to assist her pending this Court's custody
27
28

1 determination and maliciously removed two of the Minor Children, Xy'shone and Xaia from
2 their Michigan school that the Minor Children were missing when all of the Parties have been
3 fully aware of where the Minor Children have been living in Michigan at their maternal
4 grandmother's house since their arrival.
5

6 7. The Minor Children and MOM moved to Michigan in November 2020 with the
7 Natural Father's knowledge and permission.

8 8. All of the Minor Children were well and according to Michigan law enforcement
9 there were absolutely no signs of abuse or neglect. Moreover, the Minor Children, Xy'shone and
10 Xaia, were enrolled in school where they are thriving, and it certainly was not in their best
11 interests to be ripped from their home and school to serve the selfish intent of INTERVENOR.
12

13 9. Since she has returned to Nevada with the two oldest Minor Children,
14 INTERVENOR has been asserting all legal custodial rights, without ever been awarded such,
15 and has enrolled the Minor Children without Parental permission in private school and therapy
16 and is precluding almost all contact between MOM and her children!
17

18 10. It is imperative that the Court set an expedited emergency hearing for the Return
19 Hearing on Intervenor's Motion to Enforce Visitation Order, Contempt, a Pickup Order of Minor
20 Children and for Attorney's Fees and Costs to allow MOM the opportunity to address her liberty
21 rights to the care and custody of her Minor Children.
22

23 11. Consequently, because of the urgent nature of the circumstances addressed herein
24 and in Plaintiff's Motion, I am respectfully requesting that the Court consider the Plaintiff's
25 request for an Order Shortening Time for the hearing of the Return Hearing on Intervenor's
26 Motion to Enforce Visitation Order, Contempt, a Pickup Order of Minor Children and for
27 Attorney's Fees and Costs
28

1 12. This application for order shortening time is not made for purposes of fraud or
2 an improper purpose.

3 ///

4 I declare under penalty of perjury that the foregoing is true and correct

5
6 DATED this 13th day of December 2021.

7
8 ss: Mark J. McGannon
9 MARK J. MCGANNON, ESQ

10 **DECLARATION OF TAMIKA BEATRICE JONES**

11 I, Tamika Beatrice Jones, under penalty of perjury:

- 12 1. I am the Plaintiff in this action.
- 13
- 14 2. I am over the age of eighteen (18) years and competent to testify to the matters set
15 forth herein.
- 16 3. I make this Declaration based on my personal knowledge of the facts and matters
17 of this action.
- 18
- 19 4. I have read the foregoing Motion, and the factual averments it contains are true
20 and correct to the best of my knowledge, except as to those matters based upon
21 information and belief, and as to those matters, I believe them to be true.
- 22 5. I declare under penalty of perjury that the foregoing is true and correct.

23 DATED this 13th day of December 2021.

24
25
26 

27 _____
28 TAMIKA BEATRICE JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law office of McGANNON LAW OFFICE, P.C. that service of the foregoing EX-PARTE APPLICATION FOR AN ORDER SHORTENING TIME was made on this 13th day of December 2021, pursuant to EDCR 8.05, by electronic service via the Court's E-Filing System, or if not on the service list by depositing the same in the United States Mail in Las Vegas, Nevada, postage paid addressed as follows:

ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 4730 E. Craig Rd., Apt. 2088, Bldg. 15 Las Vegas NV 89115	

/s/ Mark J. McGannon

An employee or agent of McGANNON LAW
OFFICE, P.C.

TITLE	JONES.TAMIKA - final Exparte Application for Order...
FILE NAME	JONES.TAMIKA%20-%...20for%20Retur.pdf
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STATUS	Completed

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Document History



SENT

12 / 13 / 2021

20:17:20 UTC

Sent for signature to Tamika Jones (tamikaj8092@gmail.com)
from jean@mcgannonlawoffice.com
IP: 71.38.180.250



VIEWED

12 / 13 / 2021

20:33:02 UTC

Viewed by Tamika Jones (tamikaj8092@gmail.com)
IP: 173.14.56.81



SIGNED

12 / 13 / 2021

20:33:35 UTC

Signed by Tamika Jones (tamikaj8092@gmail.com)
IP: 173.14.56.81



COMPLETED

12 / 13 / 2021

20:33:35 UTC

The document has been completed.

EXHIBIT "1"

From: **Family Court LVFC07 via BlueJeans Network** <invite@bluejeans.com>
Date: Monday, February 22, 2021
Subject: D594413 JONES
To: tamikaj8092@gmail.com

Family Court LVFC07 has invited you to a meeting.

Join Meeting

(Join from computer or phone)

Phone Dial-in

[+1.408.419.1715](tel:+14084191715) (United States(San Jose))

[+1.408.915.6290](tel:+14089156290) (United States(San Jose))

(Global Numbers)

Meeting ID: 229 894 156

Room System

199.48.152.152 or bjn.vc

Meeting ID: 229 894 156

Want to test your video connection?

<https://bluejeans.com/111>

EXHIBIT "2"

From: **info Jacovino Law** <info@jacovinolaw.com>
Date: Tue, Sep 28, 2021 at 11:29 AM
Subject: D-19-594413-C/ Jones
To: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Good Morning,

I represent Grandmother, Kimberly White. She was awarded visitation last year and a pick up order for the children when mom moved out of state.

I would be happy to discuss the case with you. Please provide a few dates and times for a quick call.

Regards,

Janice Jacovino, Esq.

JACOVINO LAW OFFICE

m. 6069 S Fort Apache Rd. Suite 100

Las Vegas, NV 89148

p. 702.776.7179

e. info@jacovinolaw.com

w. www.Jacovinolaw.com

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SETTLEMENT: *Discussions and terms in these emails are for settlement purposes only.*

RELATIONSHIP: *No attorney-client relationship is formed unless payment is tendered and the retainer has been fully executed.*

EXHIBIT "3"

Jean McGannon

From: mark@mcgannonlawoffice.com
Sent: Friday, October 8, 2021 4:54 PM
To: 'Matthew Downing'
Cc: info@jacovinolaw.com; 'Jean McGannon'
Subject: RE: Tamika Jones D-19-594413-C

Dear Officer Downing,

Please allow this to confirm that I have discussed the matter with Kimberly White's (grandmother's) counsel Janice Jacovino, Esq. and we have agreed to try to negotiate a settlement on visitation within approximately a 2 week timeframe. If this is unsuccessful, I will thereafter file an appropriate Motion with the Family Court seeking immediate relief from the current Court orders. I will keep you informed of any change in circumstances.

Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>
Sent: Wednesday, October 6, 2021 5:18 PM
To: mark@mcgannonlawoffice.com
Subject: RE: Tamika Jones D-19-594413-C

Hey Mark,

I was out of the office this afternoon. If you don't get me at my desk, please use my cell. I have a meeting tomorrow afternoon that should last until no later than 3pm. I'll give you a call after that or you can try and call me. Let me know what number is best.

Thanks,

Sergeant Matt Downing P#8260

Missing Persons/Animal Cruelty Detail

Desk: 702-828-3077

Cell: 702-281-9310

m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."

-John F. Kennedy

From: mark@mcgannonlawoffice.com <mark@mcgannonlawoffice.com>

Sent: Wednesday, October 6, 2021 4:13 PM

To: Matthew Downing <M8260D@LVMPD.COM>

Subject: RE: Tamika Jones D-19-594413-C

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Hi Matt,

Sorry I have been tied up, but I just tried to call you. I have telephone call with the grandmother's counsel tomorrow at 1:30. Let me know when your available tomorrow afternoon after that to discuss.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



McGannon Law Office

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From: Matthew Downing <M8260D@LVMPD.COM>

Sent: Tuesday, October 5, 2021 2:35 PM

To: mark@mcgannonlawoffice.com

Subject: Tamika Jones D-19-594413-C

Mark,

Can you please give me a call reference the above case as soon as possible? My detail is working the criminal case against your client and I need to get further information from you as we're trying to make a determination on how we're going to proceed.

Thanks,

Sergeant Matt Downing P#8260
Missing Persons/Animal Cruelty Detail
Desk: 702-828-3077
Cell: 702-281-9310
m8260d@lvmpd.com

"Ask not what your country can do for you – ask what you can do for your country."

-John F. Kennedy

EXHIBIT "4"

From: **Mark McGannon** <mark@mcgannonlawoffice.com>
Date: Wed, Nov 17, 2021 at 11:56 AM
Subject: JONES.TAMIKA - Urgent
To: <info@jacovinolaw.com>
Cc: Jean McGannon <jean@mcgannonlawoffice.com>, Theresa Luciano
<theresa@mcgannonlawoffice.com>

Dear Janice,

I tried to contact you telephonically this morning expressing the urgency of discussing this matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client is seeking to inappropriately influence the Michigan police and the minor children's school for the immediate return of the children. Removing the children from school and their mother and 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.

Please let me know if you will stipulate to staying the Order for Return of the Minor Children dated February 30, 2021. We will request an immediate hearing with the Court in the Stipulation. Should we not immediately hear from you, we will have no alternative but to file an Emergency Motion in this regard.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



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----- Forwarded message -----

From: Tamika Jones <tamikaj8092@gmail.com>

Date: Wed, Nov 17, 2021 at 8:01 AM

Subject: Fwd: Hello-Students at FPS

To: <mark@mcgannonlawoffice.com>

----- Forwarded message -----

From: Dania Bazzi <danial.bazzi@ferndaleschools.org>

Date: Wednesday, November 17, 2021

Subject: Hello-Students at FPS

To: Kimberley W <kwhite_writer@hotmail.com>, tamikaj8092@gmail.com

Cc: "Jennifer K. Starlin" <JStarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>,

Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

Dania H. Bazzi, PhD

Superintendent of Ferndale Public Schools

Office: 248-586-8653

Email: Dania.Bazzi@FerndaleSchools.org

"Excellence in education is when we do everything that we can to make sure they become everything that they can." - Carol Ann Tomlinson

One Team, Endless Dreams

From: <mark@mcgannonlawoffice.com>

Date: Fri, Nov 5, 2021 at 4:38 PM

Subject: FW: JONES.TAMIKA - Phone conference request

To: <info@jacovinolaw.com>

Cc: Jean McGannon <jean@mcgannonlawoffice.com>

Hi Janice,

My client would like to offer some interim visitation during the upcoming holidays, but I have not heard back from you regarding our attempts to schedule a telephone call. Please provide your availability to discuss as soon as possible as I am trying to avoid unnecessary expensive litigation if possible. Please let me know by Monday. Thanks.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



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From: Jean McGannon <jean@mcgannonlawoffice.com>

Date: Fri, Oct 29, 2021 at 9:29 AM

Subject: FW: JONES.TAMIKA - Phone conference request

To: <info@jacovinolaw.com>

Cc: <mark@mcgannonlawoffice.com>, <jean@mcgannonlawoffice.com>, Theresa Luciano
<theresa@mcgannonlawoffice.com>

Good morning Janice,

I just wanted to follow up with you regarding my email from yesterday. Mark would like to set up a call with you as soon as you are available. Mark is available today between 11-2 PM and has most days available next week. Please let us know your availability.

Sincerely,

Jean McGannon - Office Manager/Paralegal

McGannon Law Office

5550 Painted Mirage Rd., Suite 320

Las Vegas, NV 89149

Office: 702-888-6606

Cell: 702-575-7740



From: Jean McGannon <jean@mcgannonlawoffice.com>

Sent: Wednesday, October 27, 2021 4:37 PM

To: info@jacovinolaw.com

Cc: Mark@McGannonLawOffice.com; jean@mcgannonlawoffice.com; 'Theresa Luciano'
<theresa@mcgannonlawoffice.com>

Subject: JONES.TAMIKA - Phone conference request

Good afternoon Janice,

Mark would like to set up a call with you tomorrow or Friday to discuss the above referenced case. Mark is available between 11-3 PM tomorrow and 11-2 PM on Friday. Please let us know if you are available during any of those times?

Sincerely,

Jean McGannon - Office Manager/Paralegal

McGannon Law Office

5550 Painted Mirage Rd., Suite 320

Las Vegas, NV 89149

Office: 702-888-6606

Cell: 702-575-7740



EXHIBIT "5"

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamika18092@gmail.com
Cc: "Jennifer K. Starlin" <jstarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools
Office: 248-586-8653
Email: Dania.Bazzi@FerndaleSchools.org

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EXHIBIT "6"

Jean McGannon

From: Mark McGannon <mark@mcgannonlawoffice.com>
Sent: Wednesday, November 17, 2021 11:57 AM
To: info@jacovinolaw.com
Cc: Jean McGannon; Theresa Luciano
Subject: JONES.TAMIKA - Urgent

Dear Janice,

I tried to contact you telephonically this morning expressing the urgency of discussing this matter. As you are aware, instead of attempting to negotiate this matter in good faith, your client is seeking to inappropriately influence the Michigan police and the minor children's school for the immediate return of the children. Removing the children from school and their mother and 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.

Please let me know if you will stipulate to staying the Order for Return of the Minor Children dated February 30, 2021. We will request an immediate hearing with the Court in the Stipulation. Should we not immediately hear from you, we will have no alternative but to file an Emergency Motion in this regard.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.
McGannon Law Office
5550 Painted Mirage Road, Ste 320
Las Vegas, NV 89149
Office: (702) 888-6606
Cell: (702) 575-7740



McGannon Law Office

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----- Forwarded message -----

From: **Tamika Jones** <tamikaj8092@gmail.com>
Date: Wed, Nov 17, 2021 at 8:01 AM

Subject: Fwd: Hello-Students at FPS
To: <mark@mcgannonlawoffice.com>

----- Forwarded message -----

From: **Dania Bazzi** <danial.bazzi@ferndaleschools.org>
Date: Wednesday, November 17, 2021
Subject: Hello-Students at FPS
To: Kimberley W <kwhite_writer@hotmail.com>, tamikaj8092@gmail.com
Cc: "Jennifer K. Starlin" <JStarlin@thrunlaw.com>, Diana Keefe <diana.keefe@ferndaleschools.org>, Katharine Jeffrey <katharine.jeffrey@ferndaleschools.org>, Dennis Emmi <demmi@ferndalepolice.org>

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

--

Dania H. Bazzi, PhD
Superintendent of Ferndale Public Schools

Office: 248-586-8653

Email: Dania.Bazzi@FerndaleSchools.org

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EXHIBIT "7"

From: Jennifer K. Starlin <JStarlin@ThrunLaw.com>
Sent: Thursday, November 18, 2021 4:59 AM
To: mark@mcgannonlawoffice.com; info@jacovinolaw.com
Subject: Ferndale Public Schools - Custody Dispute

Good morning:

This Firm represents the Ferndale Public Schools. All communications on this matter should therefore be directed to me, not to the District.

As each of you is aware, Ferndale Public Schools has been contacted by several individuals regarding a custody matter that I understand is ongoing in Nevada. I am writing to both of you to ensure there is no miscommunication. I cannot share further specifics about the children with either of you unless I receive a consent form signed by a parent allowing the disclosure of student record information to you.

The mother enrolled the students in the District this school year. During the enrollment process, the District noted nothing unusual and had no reason to suspect any problems.

The students' grandmother contacted the District in October, sent a copy of the order and a "missing person" sign, and requested confirmation that the students were enrolled in the District. She also sought clarification as to whether the District would release the students to her if she arrived to retrieve them. The District confirmed the students' grade levels (which the District has designated as directory information under FERPA; the parent has not opted out of permitting such disclosure). The District also notified the grandmother that the District would only permit pick-up under one of two circumstances: (1) grandmother provides signed parental consent allowing her to pick-up the students; or (2) grandmother is accompanied by law enforcement, and the law enforcement officer confirms that he or she is assisting in enforcing the court order. The District sought guidance from the Ferndale Police and the Michigan State Police, but both entities confirmed they were not involved in this matter.

After relaying that information to the grandmother, the District received voicemails from the mother, claiming that the grandmother was going to improperly try to retrieve the children; that "lawyers had to get involved"; and that the District should NOT release the students to the grandmother or police. In response to that voicemail, the District's superintendent sent the following email to the grandmother and the mother:

Dear Ms. Jones and Ms. White:

The District has received communications from each of you regarding minor children enrolled in the District. Ms. White has produced a Nevada court order dated March 30, 2021, which provides law enforcement of any jurisdiction the authority to assist Ms. White in obtaining physical custody of the children. The District has consulted with its legal counsel on this matter. Please be advised that if a law enforcement officer presents the order to the school and directs a District administrator to release the children to law enforcement, the District will comply. If there is a more recent court order addressing this matter, please provide the District a copy of the order. The District will not discuss this matter further

with either party, unless a new court order is presented that warrants discussion. The District is not a party to this matter.

If either of you is represented by legal counsel in this matter, I encourage you to either provide their contact information, or give them the District's attorney's contact information, below.

Jennifer Starlin, Thrun Law Firm, P.C., (517) 374-8834; jstarlin@thrunlaw.com.

Thank you for your understanding.

Take care,

Dania

In response to that email, I was contacted by Mr. McGannon, someone claiming to be the maternal grandmother, and Ms. White. I have not responded to either grandmother, and I do not plan to speak to them about this matter. Please relay the following to your clients:

- The District has, at all times, complied with state and federal law on this matter.
- The court order does not appear to be "sealed," and a copy was given to the District by the grandmother. Once it entered the District's possession, without guidance from a court to the contrary, it became a student education record under FERPA, and the students' parents are entitled to review the record. If the existence of the court order should not have been shared with the mother, then Ms. White or her attorney should have clarified earlier. As written, however, I see nothing that indicates that the order (now 8 months old) was intended to be confidential, and the order itself indicates that it was already served, by mail, on the parents. Allegations that the District violated a court order (to which it is not a party) or improperly disclosed the order's existence to the mother are untrue.
- In any event, the mother contacted the District warning of the pending pick-up *before* the District shared the order. Based on the voicemails from the mother, it is the District's understanding that there was a conversation between the mother and grandmother about picking up the students that did not go well.

The District is caught in the middle of what appears to be a messy family situation. Allegations that the District engaged in wrongdoing are untrue and not productive. If anyone wants to discuss this matter with the District, those communications should come from your offices to my office, not to the District.

I anticipate that the two of you will sort this matter out and exclude the District from this ongoing narrative. I appreciate your prompt attention to resolving this matter. Please contact me if you have any questions.

Jennifer K. Starlin, Attorney

Thrun Law Firm, P.C.

Phone 517.374.8834 - Fax 517.484.0081

jstarlin@thrunlaw.com – www.thrunlaw.com



P.O. Box 2575

East Lansing, MI 48826

For deliveries only:

2900 West Road, Suite 400

East Lansing, MI 48823

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EXHIBIT "8"

From: <mark@mcgannonlawoffice.com>

Date: Mon, Nov 22, 2021 at 2:19 PM

Subject: RE: URGENT EMERGENCY REQUEST FOR PHONE CONFERENCE - D-19-594413-C | Tamika Beatrice Jones, Plaintiff. vs. Kimberly White, Intervenor.

To: Malloyd, Shaneka <DeptSLC@clarkcountycourts.us>, Lopez, Deniece <LopezD@clarkcountycourts.us>

Cc: <info@jacovinolaw.com>, Jean McGannon <jean@mcgannonlawoffice.com>

Good afternoon,

unfortunately, I would like to do that but opposing counsel is refusing, any and all, contact at this time. The hearing on the OST is not until January 20, 2021, and the Minor Children were taken out of school (which will be resuming next week), and grandmother was never awarded any type of legal custody. Additionally, in the Court's Order from the February 24, 2021, Hearing, the Court clearly contemplated that an emergency hearing was to be scheduled: "once the children are back in Nevada, Counsel shall notify the Court within 72 hours of the children being picked up and a hearing will be scheduled."

We have no idea what Intervenor's intentions are with the Minor Children now in her possession or where the children will be living, but this is clearly about more than grandmother visitation.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



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From: Malloyd, Shaneka <DeptSLC@clarkcountycourts.us>
Sent: Monday, November 22, 2021 11:48 AM
To: 'mark@mcgannonlawoffice.com' <mark@mcgannonlawoffice.com>; Lopez, Deniece <LopezD@clarkcountycourts.us>
Cc: info@jacovinolaw.com; 'Jean McGannon' <jean@mcgannonlawoffice.com>
Subject: RE: URGENT EMERGENCY REQUEST FOR PHONE CONFERENCE - D-19-594413-C | Tamika Beatrice Jones, Plaintiff. vs. Kimberly White, Intervenor.

Good morning,

Your ex-parte request for a telephone conference is denied at this time. Plaintiff's Motion filed November 18, 2021, was set for an earlier date on an Order Shortening Time.

Both parties may submit a joint letter for a telephone conference and the Court may consider a request for telephone conference.

Best regards,

Shaneka J. Malloyd

Law Clerk to the Honorable Vincent Ochoa

Department S of the Eighth Judicial District Court

From: mark@mcgannonlawoffice.com [mailto:mark@mcgannonlawoffice.com]
Sent: Monday, November 22, 2021 11:07 AM
To: Lopez, Deniece; Malloyd, Shaneka
Cc: info@jacovinolaw.com; 'Jean McGannon'
Subject: URGENT EMERGENCY REQUEST FOR PHONE CONFERENCE - D-19-594413-C | Tamika Beatrice Jones, Plaintiff. vs. Kimberly White, Intervenor.

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Ms. Lopez,

Please be advised that we have just been notified that notwithstanding our office seeking an Emergency Stay of the Court Order for Return of the Children dated February 24, 2021 on an Order Shortening Time, and being aware that neither Nevada and/or Michigan state authorities were going to assist her, Intervenor/grandmother, Ms. White has apparently traveled to Michigan and obtained the assistance of local authorities and had the two older Minor Children placed in her care in Michigan and intends to pry them from their mother's care and their ongoing school and take two of the Minor Children with her to Nevada. Opposing counsel has refused to respond to numerous inquiries at this point, and Ms. Jones is desperate for Court intervention.

As such, we need to learn how we can immediately schedule an emergency telephonic hearing with the Court.

Thank you for your prompt professional attention to this matter. Should you have any questions or comments, please do not hesitate to contact me personally.

Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards, Mark

Mark J. McGannon, Esq.

McGannon Law Office

5550 Painted Mirage Road, Ste 320

Las Vegas, NV 89149

Office: (702) 888-6606

Cell: (702) 575-7740



McGannon Law Office

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EXHIBIT "9"

**McGannon Law Office****Mark J. McGannon, Esq.**5550 Painted Mirage Road, Ste 320
Las Vegas, Nevada 89149

(702) 888-6606

www.McGannonLawOffice.com

December 3, 2021

VIA E-SERVEJanice Jacovino, Esq.
JACOVINO LAW OFFICE
6069 S. Fort Apache Rd. Suite 100
Las Vegas NV 89031
Email: info@jacovinolaw.comRe: D-19-594413-C | *Jones v. Judson, et al.*

Dear Ms. Jacovino:

As you are aware your client has gone rogue and absconded with two of the minor children during the middle of school after being informed that the Nevada Attorney General and Las Vegas Metropolitan Police and the Michigan State Police were not going to do anything until this matter played out civilly in Family Court. Pursuant to Court Order from the February 24, 2021 Hearing dated March 29, 2021, **you** were to immediately notify the Court **within 72 hours** of the children being picked up! **"IT IS FURTHER ORDERED** that a pick-up order is ISSUED asking the law enforcement in Nevada and Michigan to assist. NO arrest or warrants language shall be in the pick-up order. *Once the children are back in Nevada, Counsel shall notify the Court within 72 hours of the children being picked up and a hearing will be scheduled.*" (Italics added.)

Additionally, pursuant to Court Order for Return of Children dated March 30, 2021, your client was to immediately notify the Court once she obtained physical custody of the children and they have been returned to Nevada! **"IT IS FURTHER ORDERED** that *Kimberly shall notify this Court once she has obtained physical custody of the children and they have been returned to Nevada.* (Italics added.)

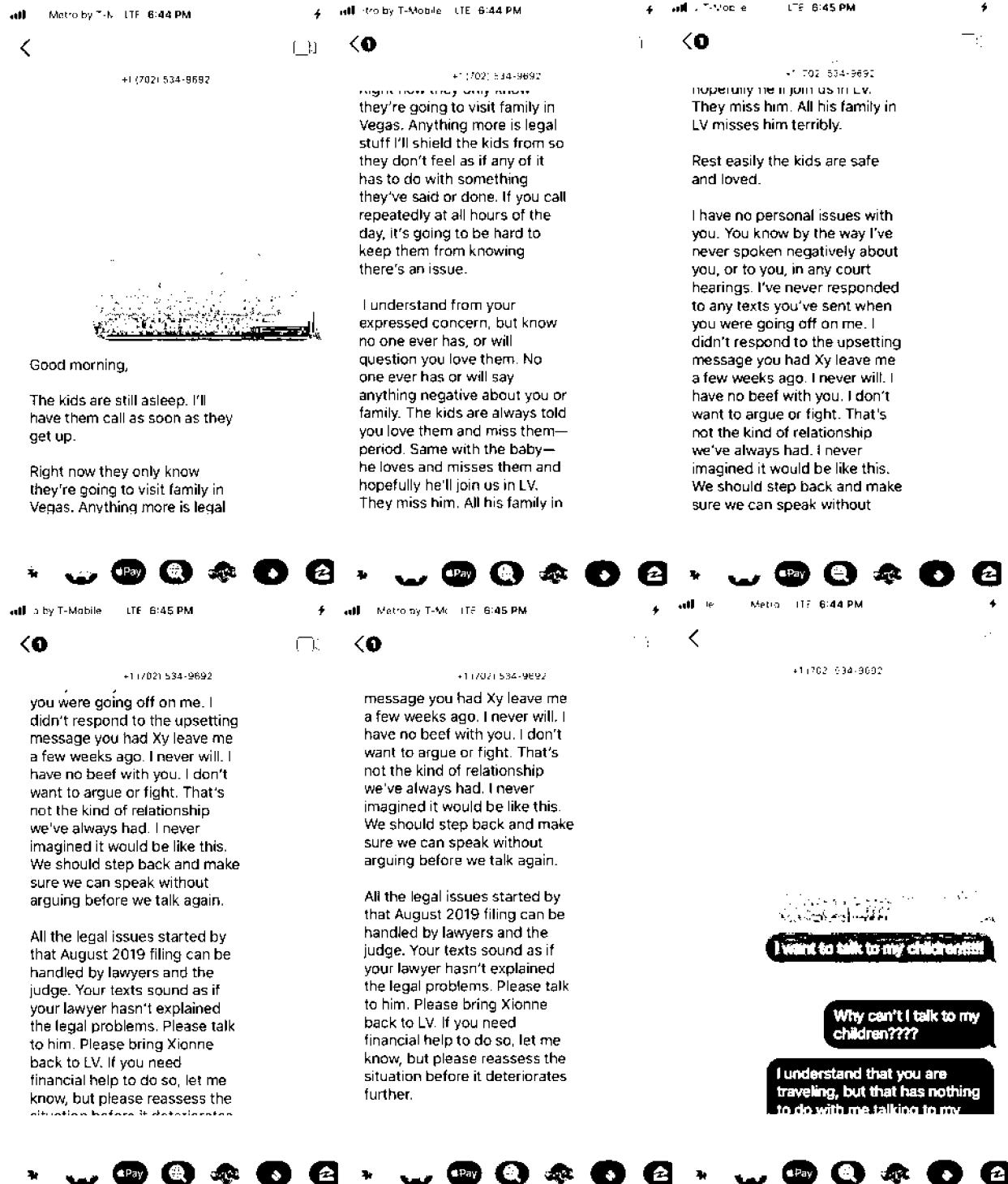
Moreover, your client is apparently misrepresenting the minor children as being hers and attempting to assume legal custody of the children and interfere with their education when she has absolutely no legal right to do so.

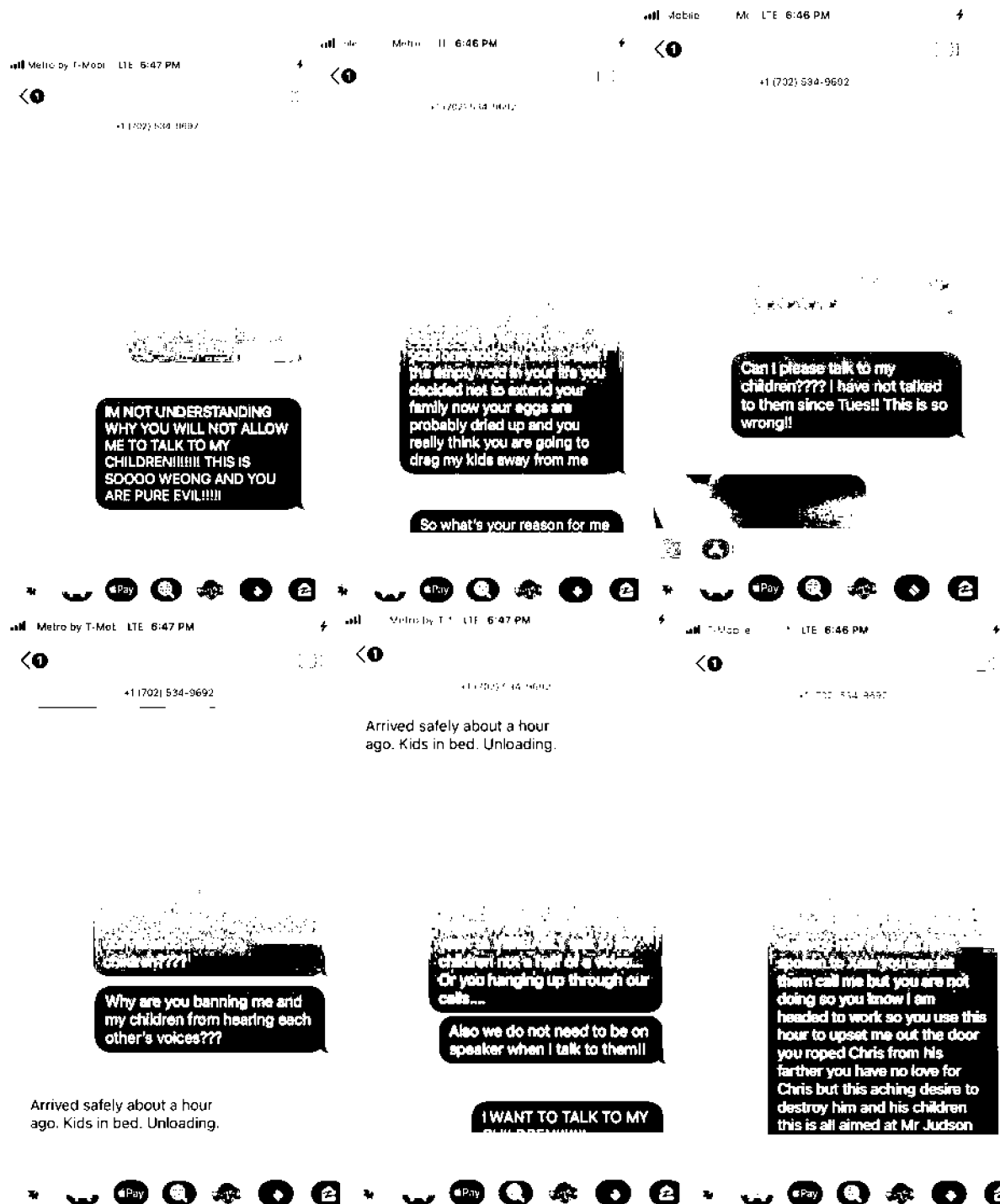
As you are also well aware, the two minor children have been in Nevada for approximately a week, and you have not notified the Court as required by the explicit language of the Court's Orders. Please be advised, that if you do not notify the Court by close of business today, we will have no alternative but to file an Emergency Motion to Show Cause Why Intervenor Should Not Be Held in Contempt of Court on Monday, December 6, 2021.

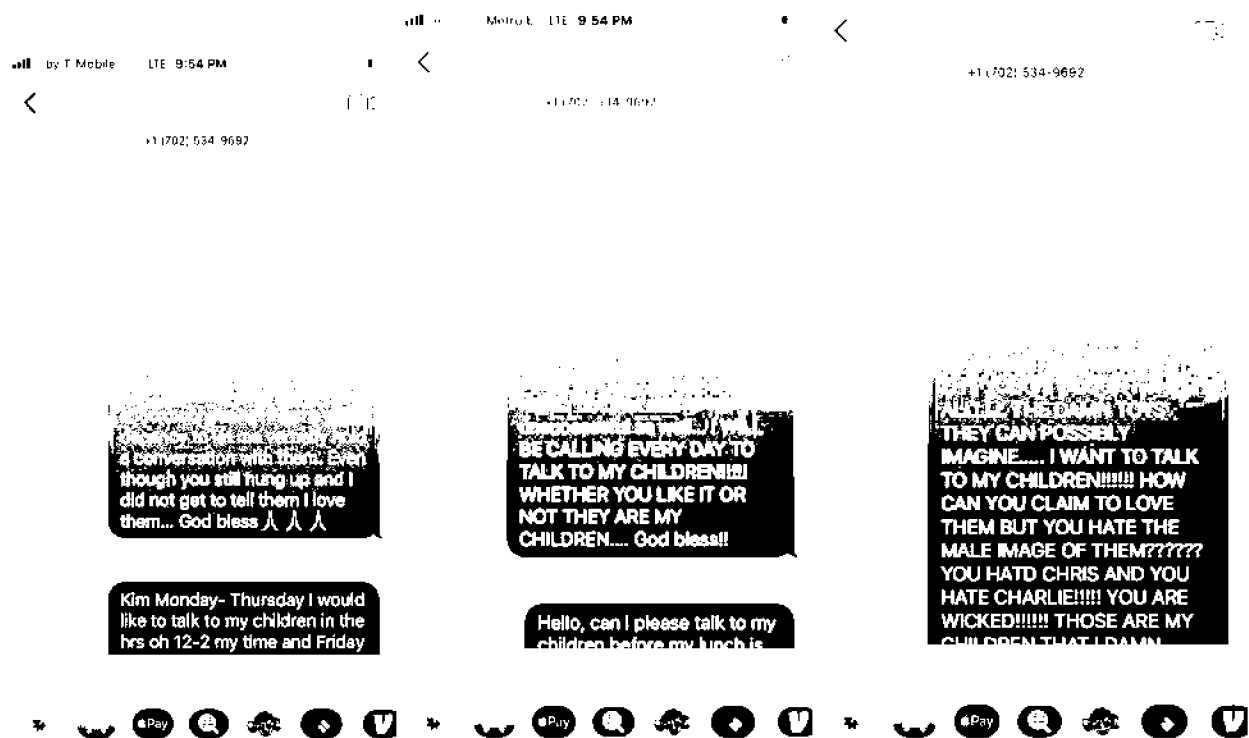
Your prompt attention to this matter is greatly appreciated. Should you have any questions or comments, please do not hesitate to contact me personally.

Best regards,
/s/Mark J. McGannon
Mark J. McGannon, Esq.

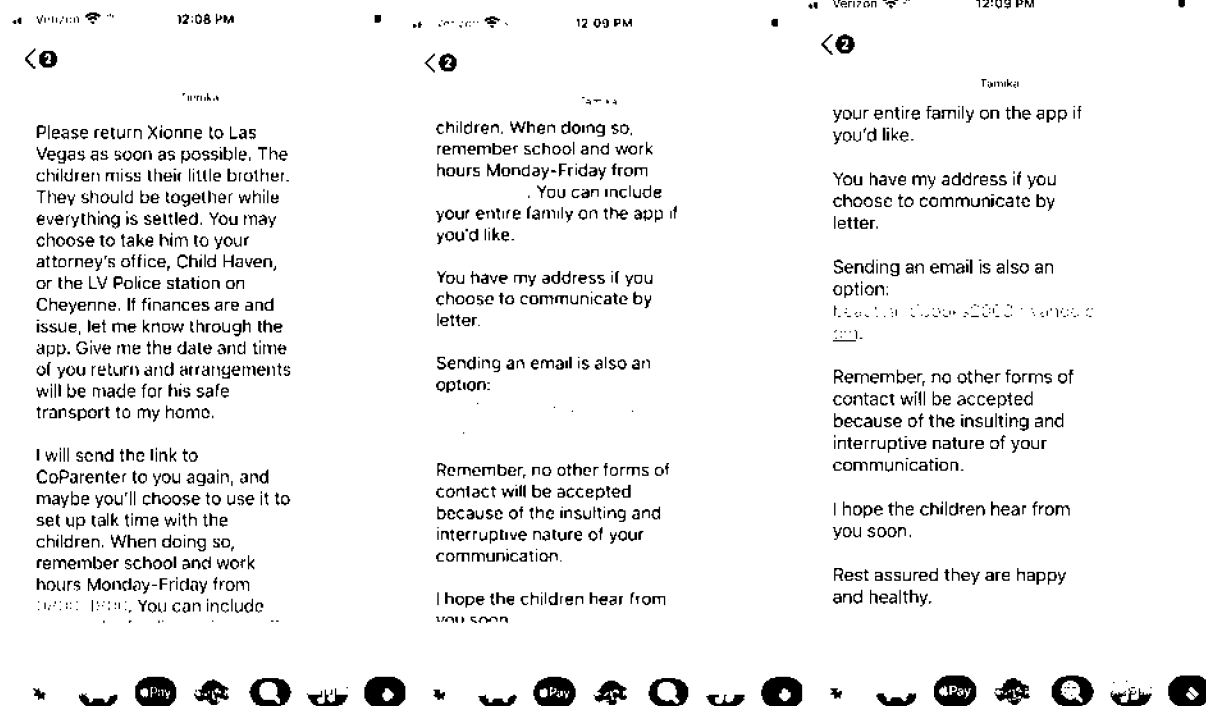
EXHIBIT "10"

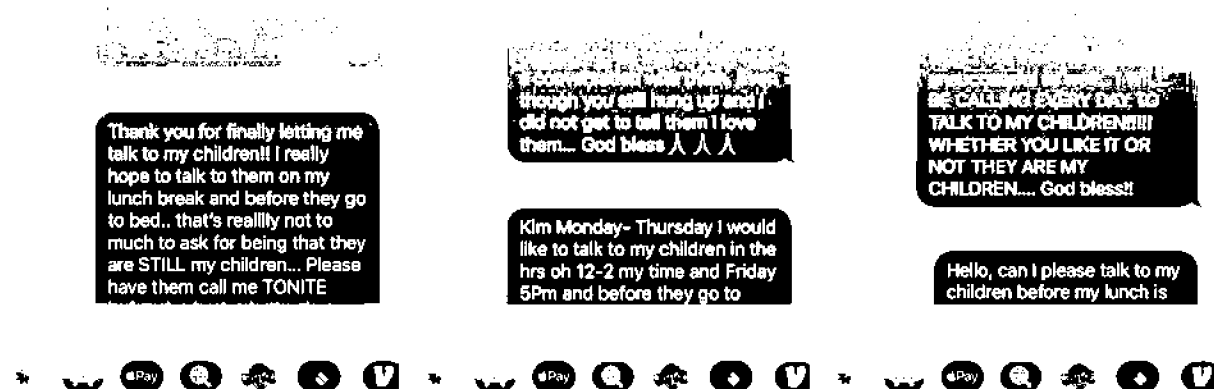














+1 (702) 534-9692

Can I please talk to my children???

Can I please talk to my children????

Can I please talk to my children???

Tamika,

I'm reaching out again to encourage you to bring Xionne back to Las Vegas. The kids miss their little brother. If there is



+1 (702) 534-9692

Tamika,

I'm reaching out again to encourage you to bring Xionne back to Las Vegas. The kids miss their little brother. If there is anything I can do to help you and Xionne return, let me know.

This is an opportunity to find a way for the kids to grow up in a stable environment surrounded with friends and family. If we keep their best interest in mind and work together as family should, we can find a solution to present to the judge.

The court has ruled the children must remain in Las Vegas. Returning on your own



+1 (702) 534-9692

to present to the judge.

The court has ruled the children must remain in Las Vegas. Returning on your own may be looked on more favorably by the court and relieve some of the legal issues you may incur. I'm hoping we can move forward communicating in a respectful manner. I'm sending you an invite to coParenter which may be of benefit.

Can I talk to my children please???? They are not your children and you can not ban me from talking to them!!!!

I want to talk to MY



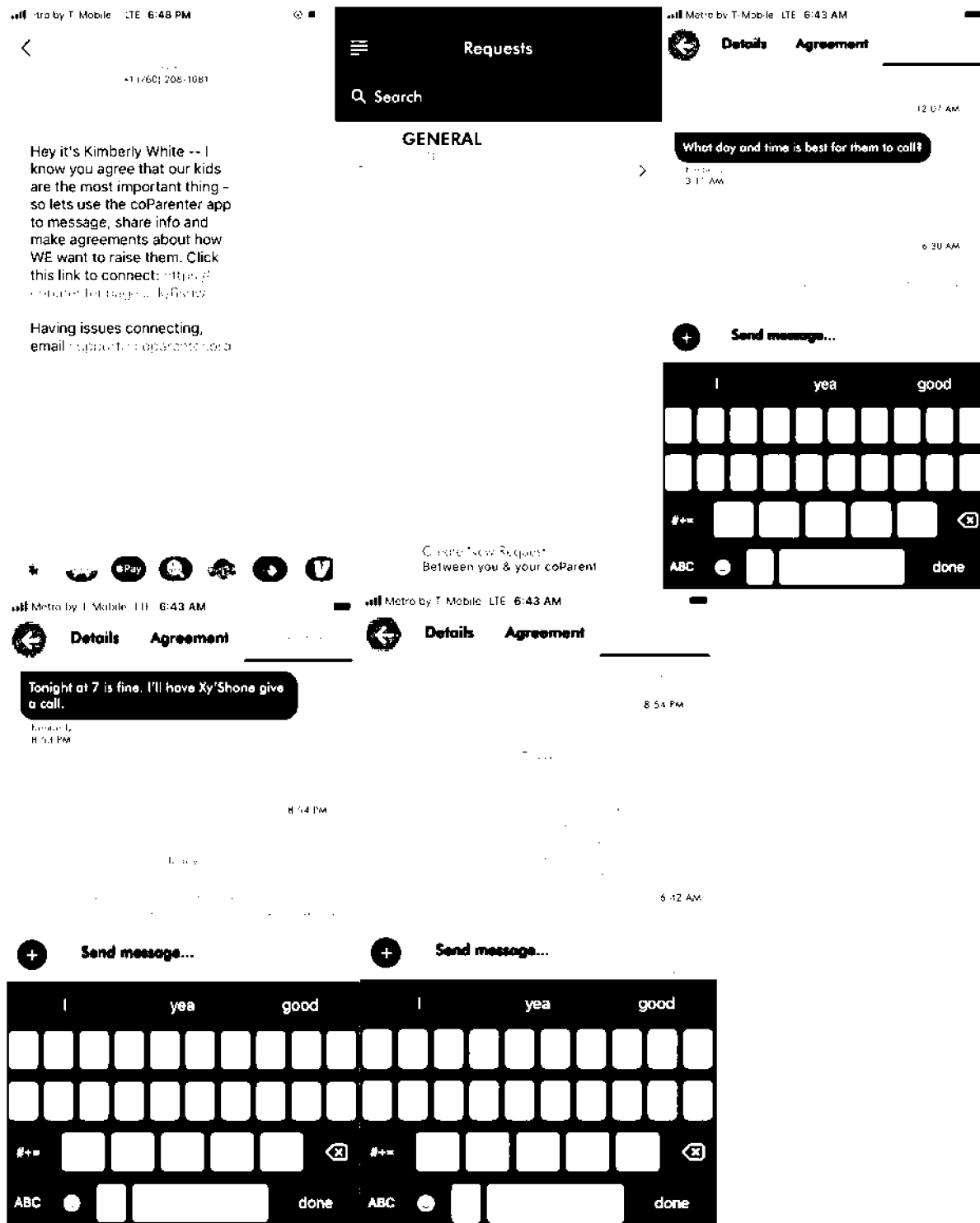




EXHIBIT "11"

PERMISSION FOR RELOCATION WITH MINOR CHILDREN

I, CHISTOPHER CHARLES JUDSON ("Natural Father"), do consent to the relocation of my Minor Children as follows:

1. I am the Defendant in the matter of *Tamika Jones v. Christopher Judson*, Case No. D-19-594413-C filed in the Eighth Judicial District Court for Clark County, Nevada.

2. I am the Natural Father of XYSHONE JUDSON, born November 20, 2011, XAIA JUDSON born August 13, 2013, XIONNE JUDSON born May 3, 2019 ("Minor Children").

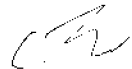
3. I believe it is in the best interests of my Minor Children to award TAMIKA BEATRICE JONES ("Natural Mother") primary physical custody of the Minor Children and allow her to permanently relocate to Ferndale, Michigan.

4. I had previously given TAMIKA BEATRICE JONES permission to relocate to Michigan with the Minor Children in November of 2020.

5. Formal visitation and child support will be determined by the Parties after the Court makes a determination as to any visitation being possibly awarded to my mother, Intervenor, Kimberly White, which I strongly oppose.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of December 2021.



CHISTOPHER CHARLES JUDSON

TITLE	JONES.TAMIKA - CHRIS JUDSON PERMISSION FOR RELOCATION WITH...
FILE NAME	JONES.TAMIKA%20-%...OR%20CHILDREN.pdf
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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,)	
DEFENDANT,)	
)	
v.)	
)	
KIMBERLY WHITE,)	
INTERVENOR.)	

ADDENDUM TO EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME

COMES NOW, Plaintiff, TAMIKA BEATRICE JONES, by and through her
counsel of record, Mark J. McGannon, Esq. of the McGANNON LAW OFFICE, P.C.,
appearing in an unbundled capacity, and hereby submits this Addendum to include Exhibit
12 that was inadvertently omitted with initial filing of the Ex Parte Application for An Order
Shortening Time to Hear the Return Hearing on Intervenor's Motion to Enforce Visitation

///

///

///

Order, Contempt, a Pickup Order of Minor Children and for Attorney's Fees and Costs

DATED this 13th day of December 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
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law office of McGANNON LAW OFFICE, P.C. that service of the foregoing ADDENDUM TO EX-PARTE APPLICATION FOR AN ORDER SHORTENING TIME was made on this 13th day of December 2021, pursuant to EDCR 8.05, by electronic service via the Court's E-Filing System, or if not on the service list by depositing the same in the United States Mail in Las Vegas, Nevada, postage paid addressed as follows:

ATTORNEY/PARTIES	EMAIL
Janice Jacovino, Esq	Info@jacovinolaw.com
Christopher Judson 4730 E. Craig Rd., Apt. 2088, Bldg. 15 Las Vegas NV 89115	

/s/ Mark J. McGannon

An employee or agent of McGANNON LAW
OFFICE, P.C.

EXHIBIT "12"

ALI SHAHROKHI, Petitioner,
v.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE MATHEW
HARTER, DISTRICT JUDGE,
Respondents,
and
KIZZY BURROW, Real Party in Interest.

No. 79336-COA

COURT OF APPEALS OF THE STATE OF
NEVADA

November 6, 2019

ORDER GRANTING PETITION FOR WRIT OF
MANDAMUS IN PART AND DENYING
PETITION IN PART

This original, emergency petition for a writ of mandamus challenges July 16 and August 6, 2019, district court orders in a child custody matter that, respectively, impose a no-contact restriction on petitioner Ali Shahrokhi and grant real party in interest Kizzy Burrow temporary sole legal and physical custody of the parties' minor child, allowing her to temporarily relocate with the child out of state. On August 14, 2019, we entered a partial stay of the district court's no-contact order to allow limited contact between Ali and the child, as the district court had not connected the no-contact restriction with any specific safety concern involving the child or with the child's best interest and apparently had entered the order without considering whether any lesser measures would sufficiently protect the parties. We also directed Kizzy to file an answer to the petition. Having considered the petition, Kizzy's timely filed answer, and Ali's reply thereto, we grant the petition in part and deny it in part.

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Facts and procedural history

Ali and Kizzy never married and have one child together. They filed competing complaints for child custody in December 2018. In January 2019, in the context of a separate temporary protection proceeding, the parties stipulated to share custody of the child pending a final determination in the custody action. In March, the court ordered the parties to use Our Family Wizard (OFW) to communicate and altered the parties' shared custodial agreement so that each party could have weekend time with the child. Thereafter, Kizzy filed a motion for primary physical custody and to relocate to Oregon with the child, which motion Ali opposed. Although the original hearing on that motion was vacated, on June 28, 2019, the district court entered minutes addressing multiple motions that Ali had filed and stating that "ANY and ALL Motions filed until July 4, 2019 shall be scheduled on July 11, 2019 to be consolidated with the already pending hearings."

At the July 11 hearing, the district court brought up concerns arising from its review of Ali's OFW communications. The court noted that, in the communications, at least one of which had been filed just the day before, Ali demeaned Kizzy's boyfriend, indicated that he would have the boyfriend arrested, and stated that he knew Kizzy's address. No other evidence was admitted. Two orders resulted from the hearing: (1) a July 16 order restricting all communications between Ali and both Kizzy and the child, and (2) an August 6 order, in which the court made domestic violence findings based on the OFW communications, determined that it would be in the child's best interest to temporarily relocate to Oregon, granted Kizzy temporary sole legal and physical custody, and ordered Ali to obtain a psychological evaluation addressing whether it was in the child's best interest to have contact with Ali. The order is not appealable, and Ali thus seeks writ relief. *See* NRS 34.170.

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Discussion

A writ of mandamus will issue to compel the district court to comply with a legal duty or to control a manifest abuse of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Although we often will not entertain writ petitions challenging temporary orders, as those orders frequently involve on-going matters and are subject to periodic district court review, we may do so when compelling circumstances so require. *See Aug. H. v. State*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (recognizing that even temporary custody orders can "have far reaching consequences for both the parents and the children"); *In re Vernor*, 94 S.W.3d 201, 209-10 (Tex. App. 2002) ("[M]andamus is an appropriate remedy when a court abuses its discretion involving temporary orders in a suit affecting the parent-child relationship."). This is such a case.

Ali complains that the district court suspended his contact with the child and entered an order changing the previously agreed-upon temporary joint custody status without providing him adequate notice of the hearing or an adequate opportunity to respond, as Kizzy had not moved for sole custody or to temporarily relocate pending a final custody decision. He further argues that the court improperly required him to obtain a psychological evaluation, failed to set an evidentiary hearing, and demonstrated bias against him. Consequently, Ali asks for a writ of mandamus directing the district court to vacate its two orders stemming from the July 11 hearing, reinstate the previously stipulated shared custody agreement, and set an evidentiary hearing on custody and relocation; he also asks that another department be assigned to hear this case.

"[P]arents have a fundamental liberty interest in the care, custody, and control of their children." *In re Parental Rights as to A.G.*, 129 Nev. 125, 135, 295 P.3d 589, 595 (2013). And due process generally requires

Page 4

notice and a hearing before that right is altered. *See Gordon v. Geiger*, 133 Nev. 542, 546, 402

P.3d 671, 674 (2017). For this reason, orders that alter custody sua sponte may violate due process. *See id.* at 546, 402 P.3d at 674-75 (holding that a district court's sua sponte order granting an oral request to modify a parent's allotted time with her children without providing notice and a hearing violated due process); *Micone v. Micone*, 132 Nev. 156, 159, 368 P.3d 1195, 1197 (2016) (holding that a district court's surprise order awarding primary physical custody to nonparty grandparents violated due process where the parents were not provided notice).

We conclude that Ali's fundamental rights were violated here. The district court entered the no-contact and temporary custody orders without notice to Ali that the court was considering precluding contact and awarding sole temporary custody to Kizzy, without holding a full adversarial hearing on the matters, and without setting the matters for a proper hearing at any time in the future.¹ *See generally Andrew V. v. Superior Court*, 183 Cal. Rptr. 3d 517, 519 (App. Ct. 2015), *as modified* (Feb. 9, 2015), *as modified* (Mar. 3, 2015) ("A full adversarial hearing must precede, not follow, any out-of-state move-away order, however denominated."); *Martin R.G. v. Ofelia G.O.*, 809 N.Y.S.2d 1, 1 (App. Div. 2005) ("[A] hearing is generally required before a judge may award a temporary change of custody in a non-emergency situation."). The court explicitly "[kept] the hearing to a minimum," and it altered the stipulated custody arrangement and allowed relocation after expressly stating that it would not determine whether Kizzy had made a prima facie case for

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relocating. Moreover, the court made domestic violence findings, which could later be used in determining custody and possibly other matters, *see* NRS 125C.0035(4)(k), without taking any testimony or allowing for an adequate opportunity to respond to the allegations. *See* NRS 125C.0035(5) (contemplating an evidentiary hearing before domestic violence findings are made).

We must acknowledge, however, the exigent circumstances under which the district court made these orders. Before the hearing, the district judge, who is familiar with the history of this case and the parties, had reviewed several increasingly threatening communications from Ali. In the communications that the court reviewed, Ali not only demanded that Kizzy take several particular actions toward their child but also expressed his willingness to disobey court orders if she did not comply with his demands. Ali stated that he had discovered her address and threatened to remove the child from there and to arrest Kizzy's boyfriend. At the hearing, the judge learned that Ali had also obtained personal information about Kizzy's attorney and claimed to know where he lived. Thus, the district court's concerns about the parties' safety and the child's well-being are supported by the evidence before the court. In such cases, we will not substitute our judgment for that of the district court. *In re Parental Rights as to C.J.M.*, 118 Nev. 724, 732, 58 P.3d 188, 194 (2002) ("[W]e will not attempt to substitute our judgment for that of the trial court in an area of heightened sensitivity . . .").

Given the district court's justified safety concerns, we will not overturn the current temporary custody arrangement, with the exception that the limited contact directed in our August 14 order granting a stay in part should remain in place, pending further proceedings in and order of the district court. Nevertheless, we are concerned that the district court has required Ali to undergo a psychological evaluation without identifying

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the "time, place, manner, conditions, and scope of the examination," or naming the person who will perform the examination, as required by NRCP 35(a)(2)(B),² and that the court has suggested that it will not make a further custody determination until such evaluation has been completed.

Under NRCP 35, the district court has authority to order a party to submit to a

psychological evaluation. However, the court's order must comply with NRCP 35's requirements, and the August 6 order does not. Further, the August 6 order directs the evaluator to determine "whether it is in the child's best interest for the child to have contact with Ali," even though the evaluator will not be examining the child. Whether it is in the child's best interest to have contact with his father is the district court's determination to make after reviewing the evidence before it, including any psychological evaluation, although the evaluator may make a recommendation in the appropriate circumstances. *See Bautista v. Picone*, 134 Nev. 334, 337, 419 P.3d 157, 159 (2018) ("[T]he district court has the ultimate decision-making power regarding custody determinations, and that power cannot be delegated . . ."). Therefore, the portion of the August 6 order requiring a psychological evaluation must be stricken, and if a psychological evaluation is still desired, the district court should issue a new order that complies with NRCP 35, including describing the appropriate scope of the evaluation. Alternatively, if the district court orders an evaluation pursuant to NRCP 16.22, a new order must be issued

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that comports with requirements of that rule, which are substantially similar to those contained in NRCP 35.

Ultimately, regardless of whether an evaluation is obtained, the district court must move forward with an adversarial hearing on the temporary custody and relocation issues, and also with making a final custody and relocation determination. When exigent circumstances cause a court to make temporary child custody modifications without prior notice or a full adversarial hearing, the fundamental interests at stake require that such a hearing be provided as soon as possible thereafter. *See, e.g., Kirkpatrick v. Eighth Judicial Dist. Court*, 119 Nev. 66, 71, 64 P.3d 1056, 1059 (2003) (recognizing that parental rights are not absolute and may be limited or removed altogether when the child's safety is at risk, so long as due process requirements are

met); *Matin v. Hill*, 801 So. 2d 1003, 1005 (Fla. Dist. Ct. App. 2001) (stating that, when the court is compelled to issue a temporary child custody order without allowing both parties to be heard, it must provide an opportunity to be heard as soon as possible thereafter); *Alix A. v. Erika H.*, 845 N.Y.S.2d 306, 307 (App. Div. 2007) (explaining that the nature and extent of a hearing on temporary custody may vary with the circumstances). Accordingly, the district court must immediately set a hearing on the temporary custody and relocation issues.

Further, under SCR 251, matters affecting custody of minor children are to be resolved within six months of the date the issues are contested by a responsive pleading, unless the court finds that unforeseeable circumstances preclude doing so and enters specific findings of fact to justify an extension of time. The pending custody issues in this case are approaching one year, and the district court apparently has not yet scheduled an evidentiary hearing to resolve them or entered specific findings justifying the delay. Therefore, we direct the district court to promptly schedule an evidentiary hearing to determine custody. All other

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requested relief, including reassignment to a different department, is denied. *See Millen v. Eighth Judicial Dist. Court*, 122 Nev. 1245, 1254-55, 148 P.3d 694, 701 (2006).

Conclusion

Based on the discussion above, we

ORDER the petition GRANTED IN PART AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to (1) vacate its July 16 no-contact order as to the child, only, and enter a new order setting forth the limited contact provided pursuant to our August 14 order; (2) immediately set an adversarial hearing on the temporary custody and relocation issues; (3) strike the portion of its August 6 order requiring a

psychological evaluation, subject to any new order that complies with NRCP 35, or alternatively NRCP 16.22; (4) strike the portion of the August 6 order making domestic violence findings—any future domestic violence findings should be made only after an evidentiary hearing affording an adequate opportunity to respond to the allegations; and (5) schedule a full evidentiary hearing to finally determine custody and relocation.³

/s/ _____,
Gibbons

C.J.

/s/ _____,
Bulla

J.

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TAO, J., dissenting:

I dissent. After being confronted with evidence that Ali might have a serious anger management problem that could easily lead to violence, the district court ordered him to undergo a psychological evaluation and suspended further hearings until he did so. Rather than even trying to comply, he loitered inexplicably for months and then belatedly filed this petition as an afterthought. I don't know why two members of this court are so eager to jump in and second-guess the way the district court chose to handle a recalcitrant and uncooperative party who defiantly refused to do what the district court ordered for months—especially when the district court's concerns about Ali's potential anger are so clearly supported by the record.

Appellate courts exist to review final judgments; the "judicial power" enshrined in the U.S. Constitution encompasses the ancient "final judgment" rule adopted from medieval England and firmly recognized by American courts at the founding. Pursuant to that ancient rule, we do not intervene to review interlocutory orders unless some "extraordinary" reason exists for doing so and there will never be any other avenue for appellate relief except for interlocutory intervention.

But here, neither of these requirements has been met, much less both of them. The district court's order was expressly designed to be temporary and to only remain in effect so long as Ali continued to dig in his heels and refuse to cooperate. Whether that order is something we agree with in all of its particular details is beside the point. The relevant point is that Ali has not suffered any kind of "irreparable harm" that cannot be addressed through an ordinary appeal under the usual rules of appellate procedure that would apply whenever this case runs through the normal course that we expect every other case to run through. Quite to the

Page 10

contrary, the only reason he is suffering any (purported) adversity at all is because he refuses to do what the district court ordered him to do. As far as we can tell from the record, he never even attempted to comply. There is nothing "extraordinary" going on here that requires us to jump into the middle of this case and start second-guessing the district court before it has entered any kind of "final judgment" that the Constitution actually permits us to review.

Even if we can say that Ali is suffering any kind of adversity, he possessed the power to lift it any time he wanted by just choosing to follow the district court's order. But instead we're jumping in to let him off the hook, thereby destroying any incentive for him to ever comply in the future and instead encouraging him (along with all other uncooperative and vexatious litigants who intend to defy court orders) to keep drawing out this case by filing future petitions that we just might grant whether or not there is anything even remotely extraordinary or irreparable. I don't know why we would do that, and I respectfully dissent.

/s/_____,
Tao

J.

cc: Hon. Mathew Harter, District Judge
Pecos Law Group
Standish Law

Ali
Eighth District Court Clerk

Shahrokhi

Footnotes:

¹ Although Ali complains that he did not receive notice of the July 11 hearing until one day prior, the record includes a certificate of service indicating that Ali was mailed notice of the hearing date on June 28, 2019, and then later informed of the time changes related to that hearing. Based on the record, it appears that Ali had notice of the hearing.

² We also note that newly adopted NRCP 16.22 governs custody evaluations. If the district court decides to order a custody evaluation of Ali for the purpose of determining custody versus an NRCP 35 examination for the purpose of determining if Ali should have any contact with his child, we take this opportunity to indicate that NRCP 16.22(b)(1) contains the same "time, place, manner, conditions, and scope of the examination," and examiner identification requirements as NRCP 35.

³ Ali's counsel has moved to withdraw and attached Ali's declaration to the motion, in which Ali indicates that he asked counsel to immediately withdraw from representing him in this proceeding and in which he provided his address for service. The motion to withdraw is granted, and the clerk of this court shall serve this order on Ali at the address provided in the declaration. NRAP 46(e)(3); SCR 46(1). We note that granting this motion does not suspend the time for filing for rehearing under NRAP 40.



1 **SUBT**

2 Julio Vigoreaux, Jr., Esq.
3 SBN 15347
4 Law Office of Julio Vigoreaux, Jr.
5 400 S. 4th Street, Suite 500
6 Las Vegas, NV 89101
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8 Facsimile: (702) 446-9648
9 Email: jvigoreauxlaw@gmail.com
10 *Attorney for Intervenor,*
11 *Kimberly White*
12 *In an unbundled capacity*

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

10 TAMIKA BEATRICE JONES,
11 Plaintiff,

11 vs.

Case No.: D-19-594413-C

12 CHRISTOPHER CHARLES JUDSON,
13 Defendant.

13 vs.

Dept. No.: S

14 KIMBERLY WHITE,
15 Intervenor.

16 **SUBSTITUTION OF COUNSEL**

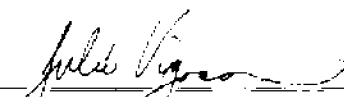
17 THE COURT AND ALL PARTIES ARE NOTIFIED that Intervenor, KIMBERLY WHITE
18 makes the following Substitution of Counsel.

19 **IT IS HEREBY STIPULATED AND AGREED** that Julio Vigoreaux Jr., Esq. The Law
20 Office of Julio Vigoreaux Jr. is substituted in the place of Janice Jacovino, Esq. of Jacovino Law
21 office, as counsel for Intervenor, Kimberly White.

22 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
23 Kimberly White.

24 Dated this 31st day of December, 2021.

25 LAW OFFICE OF JULIO VIGOREAUX, JR.

26
27 By: 
28 Julio Vigoreaux, Jr., Esq.

1 The undersigned counsel hereby consents to the substitution as the attorney for Intervenor,
2 Kimberly White.

3 Dated this ____ day of December, 2021.

4 LAW OFFICE OF JULIO VIGOREAUX, JR.
5 ATTORNEY VIGOREAUX HAS MADE
6 VARIOUS ATTEMPTS TO CONTACT
7 MS. JACOVINO, HOWEVER ALL
8 ATTEMPTS HAVE BEEN
9 UNSUCCESSFUL

By: _____
Janice Jacovino, Esq.

10 The undersigned client hereby consents to the substitution of Julio Vigoreaux Jr., Esq. as her
11 new counsel of record.

12 Dated this 13th day of December, 2021.

13 LAW OFFICE OF JULIO VIGOREAUX, JR.

14 By: _____
Kimberly White.

15 Submitted by:
16 Julio Vigoreaux Jr., Esq.

17 _____
18 Julio Vigoreaux, Jr., Esq.

19 SBN 15347

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21 400 S. 4th Street, Suite 500

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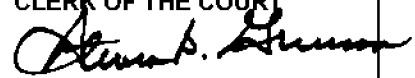
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26 Attorney for Intervenor,

27 Kimberly White

28 In an unbundled capacity



1 **OPPS**

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10 *Attorney for Intervenor,*
11 *Kimberly White*
12 *In an unbundled capacity*

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

10 TAMIKA BEATRICE JONES,
11 Plaintiff,
12 vs.

Case No.: D-19-594413-C

12 CHRISTOPHER CHARLES JUDSON,
13 Defendant.
14 vs.

Dept. No.: S

14 KIMBERLY WHITE,
15 Intervenor.

16 **INTERVENOR'S OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION FOR**
17 **STAY OF ORDER FOR RETURN OF CHILD AND PLAINTIFF'S EMERGENCY EX**
18 **PARTE MOTION FOR STAY OF ORDER FOR RETURN OF CHILD AND**
19 **COUNTERMOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY PLAINTIFF**
20 **SHOULD NOT BE HELD IN CONTEMPT OF COURT PURSUANT TO NRS 1.210(3), NRS**
21 **22.100, AND NRS 22.110; FOR THE COURT TO FIND PLAINTIFF GUILTY OF CHILD**
22 **ABDUCTION; FOR IMMEDIATE RETURN OF THE REMIANING MINOR CHILD TO**
23 **LAS VEGAS, NEVADA; FOR ATTORNEYS FEE'S AND COSTS; AND RELATED**
24 **RELIEF.**

22 "NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
23 MOTION/COUNTERMOTION WITH THE CLERK AND TO PROVIDE THE UNDERSIGNED WITH A
24 COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS
25 MOTION/COUNTERMOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE
COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION
MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING
PRIOR TO THE SCHEDULED HEARING DATE."

26 COMES NOW, Intervenor, KIMBERLY WHITE, by and through her attorney of record,
27 JULIO VIGOREAUX, JR., of THE LAW FIRM OF JULIO VIGOREAUX, JR., in an unbundled
28 capacity solely for the filing of this Opposition and Countermotion and appearance at the subsequent

1 hearing, and hereby submits her Opposition to Plaintiff's Emergency Motion for Stay of Order for
2 Return of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child
3 and Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt
4 of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff
5 Guilty of Child Abduction; For Immediate Return of the Remaining Minor Child to Las Vegas,
6 Nevada; For Attorney's Fees and Costs; and Related Relief.

8 This Opposition and Countermotion is made and based upon the foregoing Memorandum of
9 Points and Authorities, the Affidavit attached hereto, the pleadings and papers on file, exhibits, and
10 such oral arguments as may be allowed at the time of the hearing.

11 Dated this 5th day of January, 2022.

12 LAW OFFICE OF JULIO VIGOREAUX, JR.

13 By: /s/ Julio Vigoreaux, Jr.

14 Julio Vigoreaux, Jr., Esq.

15 SBN 15347

16 Law Office of Julio Vigoreaux, Jr.

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17 Las Vegas, NV 89101

Phone: (702) 483-8298

Facsimile: (702) 446-9648

18 Email: jvigorcauxlaw@gmail.com

19 *Attorney for Intervenor,*

Kimberly White

20 *In an unbundled capacity*

1 **NOTICE OF OPPOSITION AND COUNTERMOTION**

2 **TO: TAMIKA BEATRICE JONES, PLAINTIFF; and**

3 **TO: MARK J. McGANNON, ESQ., Attorney for Plaintiff; and**

4 **TO: CHRISTOPHER CHARLES JUDSON; Defendant in Proper Person.**

5 PLEASE TAKE NOTICE that a hearing on Plaintiff's Emergency Motion for Stay of Order
6 for Return of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child
7 and Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt
8 of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff
9 Guilty of Child Abduction; For Immediate Return of the Minor Children to Las Vegas, Nevada; For
10 Attorney's Fees and Costs; and Related Relief, will be held before the Eighth Judicial District Court,
11 at the Regional Justice Center - Family Court Divisions, Department S, located at 601 North Pecos
12 Road, Las Vegas, Nevada 89101, Department S, Courtroom 7.
13

14
15 Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's
16 Office will electronically file a Notice of Hearing upon receipt of this Motion. In accordance with
17 NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court
18 Electronic Filing System, undersigned will serve the Clerk's Notice of Hearing to you by traditional
19 means.
20

21 Dated this 5th day of January, 2022.

22 LAW OFFICE OF JULIO VIGOREAUX, JR.

23 By: /s/ Julio Vigoreaux, Jr. .
24 Julio Vigoreaux, Jr., Esq. SBN 15347
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 Attorney for Intervenor, Kimberly White
 In an unbundled capacity

1 **I. MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. Introduction**

3 Plaintiff, Tamika Beatrice Jones and Defendant, Christopher Charles Judson, have three (3)
4 minor children, to wit: Xy'shone Judson, born November 20, 2011; Xaia Judson, born August 13,
5 2015, and Xionne Judson, born May 3, 2019. Over the majority of the minor children's lives, they
6 have lived consistently and regularly with paternal grandmother, Intervenor, Kimberly White.
7 Plaintiff and Defendant have floated in and out of the minor children's lives, visiting occasionally
8 and rarely exercising their custodial rights, unless convenient to them. Plaintiff and Defendant
9 showed early patterns of behavior that indicated that it was NOT in the best interest of the minor
10 children to reside with them.
11

12 For example, in 2019 Plaintiff attempted to live on her own with the minor children.
13 Unfortunately, Plaintiff was unable to provide any financials to pay for her and her children for rent
14 and food and relied on Ms. White. The State benefits that Plaintiff did receive, such as WIC, was
15 used only for herself instead of her children. (Attached and Incorporated are texts between Ms.
16 White and Plaintiff in 2019 regarding her financial instability and dependence on Ms. White).
17

18 Another example is in September of 2019, when Plaintiff filed for Social Services/SNAP
19 and Cash Aid fraudulently. The minor children were residing with Ms. White and not Tamika.
20 (Attached and Incorporated is a letter to Robert Thompson, Director DHSS).
21

22 Another example, is in 2019 when Plaintiff and Defendant were unable to co-parent with
23 each other and both Plaintiff and Defendant insisted on Ms. White to maintain co-parenting between
24 the parents. (Attached and Incorporated are texts between Ms. White and Plaintiff in 2019 regarding
25 Plaintiff and Defendant's inability to co-parent and dependence on Ms. White).
26

27 Currently, Plaintiff has no verifiable address. For the previous year Plaintiff has been living
28 hotel to hotel, when she is not residing in a hotel, she sleeps on her mother's sofa with all the minor

1 children. Plaintiff has even stated to Ms. White that she is on a Section 8 housing list.

2 Furthermore, at this time, it is unknown whether Defendant has even been in the minor
3 children's lives since May of 2020, as that is when Plaintiff again violated this Court's Order and
4 took the minor children out of the state of Nevada and to Michigan and Defendant has been transient
5 ever since. Defendant has even previously tested positive with traces of cocaine and alcohol in his
6 urine. Ms. White has provided and paid, for all of the minor children's needs, including school and
7 currently continues to do so. Ms. White is the most constant and consistent parental figure in these
8 children's lives. Even the Plaintiff's mother, Ms. Annette Sterling-Jones, has stated herself that she
9 did not have consistent contact with her grandchildren for the previous seven (7) years. (Attached
10 and Incorporated are texts between Ms. White and Plaintiff's mother, Ms. Annette Sterling-Jones,
11 regarding inconsistent contact with grandchildren).
12

13 Both Plaintiff and Defendant have an extensive history of instability as documented by
14 previous records. It is thoughtfully presumed, due to Tamika's history:
15

- 16 - Mood Swings: Plaintiff demonstrated erratic and unstable moods through her emails and
17 text messages to Ms. White.
- 18 - Depression: Tamika, on numerous occasions over the years, has been so depressed that
19 she never left the bedroom, even though she was the only adult in the house.
- 20 - Criminal Behavior and Involvement: Plaintiff has been found by this Honorable Court
21 on more than a few occasions in violation of previous and current orders. According to
22 the private investigator, Plaintiff has traffic violations in Michigan that require hearings
23 and have fines.
- 24 - Plaintiff has also caused interruptions at the minor children's school on numerous
25 occasions in the past. Due to Plaintiff's continuous disturbances, the school district
26 requested a Protection Order prior to the minor children returning to the school.
27
28

- Harassment: The Las Vegas Metropolitan Police Department was recently called to Ms. White's residence and indicated to her that they had to respond after receiving SEVERAL CALLS from the Plaintiff. The officer recommended that Ms. White pursue a Protective Order to stop further action regarding Plaintiff's calls.
- Inability to maintain Employment: There has been multiple times that Ms. White has used her connections to get Plaintiff a job while in Las Vegas, Nevada. Plaintiff was fired from all of them.
- Unexplained absences: As previously mentioned, Plaintiff has a history of only taking care of and seeing the children when it is important to her. She has missed special days and important holidays with the children all due to putting her needs first before the minor children's.
- Poor Judgment: Tamika's current boyfriend, James Lewis, is a violent felon who has repeatedly violated parole, with October 2021 being the last parole violation known.
- In 2020, when Detroit was the Covid hotspot and cases were rising exponentially, the Plaintiff posted pictures on Facebook of her Michigan vacation with the youngest child being held by an unmasked adult, directly in spite of knowing she was not to remove the children from the State of Nevada.
- Food and shelter insecurity: As mentioned previously, Plaintiff has a history of being unable to adequately supply the necessary needs for the minor children including food and shelter not only because she cannot hold employment but also due to the presumption that current drug use is of issue which is impacting the health and safety of the minor children. Plaintiff has also moved repeatedly over the years dragging the minor children in and out of school as well as State's.

The only stability and consistency the three (3) minor children know is with Ms. White.

1 **B. Statement of Facts**

2 For Plaintiff to inform the Court that she has been denied due process at several times in this custody
3 matter is wrong and discredits this Courts due process. First, Plaintiff and Defendant were mailed
4 copies of the Notice of Entry of Order filed March 30, 2021 with the attached Order filed March 30,
5 2021. (Attached and incorporated herein is Exhibit 1A: a true and correct copy of a picture of the
6 envelopes addressed to the Plaintiff and Defendant.) Plaintiff and Defendant were also sent, by mail
7 and electronic service, the Notice of Entry of Order filed March 30, 2021 with the attached Order
8 filed March 30, 2021. (Attached and incorporated herein is Exhibit 1B: a true and correct copy of
9 the Notice of Entry of Order filed March 30, 2021 with the Order for Return of Children attached).
10

11 As stated previously and as this Honorable Court knows very well, Plaintiff and Defendant
12 have a history of instability, inability and unwillingness to take part and be a part of the minor
13 children's lives on a consistent basis. Plaintiff and Defendant have neglected the minor children and
14 for that very reason Ms. White was forced to step in and intervene for the minor children's best
15 interest.
16

17 The last Order filed in this case was the Order from the February 24, 2021 Hearing filed March 29,
18 2021. (Attached and incorporated herein is Exhibit 1C: a true and correct copy of the Order from
19 the February 24, 2021 Hearing filed March 29, 2021).
20

21 Plaintiff and Defendant were not present at the hearing. Ms. White's counsel informed the
22 Court at that time that she believed Plaintiff violated this Honorable Court's Order and took the
23 minor children to Michigan. At that time, this Honorable Court was also informed that Plaintiff had
24 withheld the minor children from Ms. White's Ordered visitation. This Honorable Court then
25 Ordered the following:

26 On Page 2, lines 15-18:

27 "IT IS HEREBY ORDERED that temporarily grandmother shall have telephone contact
28

1 with the children on Tuesday and Thursday at 6:00PM or 630PM Michigan time.”

2 On Page 2, lines 20-22:

3 “IT IS FURTHER ORDERED that temporarily if mother is going to reside in Michigan,
4 grandmother shall get 2-3 weeks in the summer, one week spring and one week in the winter.”

5 On Page 2, lines 24-26 and Page 3, lines 1-2:

6 “IT IS FURTHER ORDERED that a pick-up Order is ISSUED asking the law enforcement
7 in Nevada and Michigan to assist. No arrests or warrants language shall be in the pick-up Order.
8 Once the children are back in Nevada, Counsel shall notify the Court within 72 hours of the children
9 being picked up and a hearing will be scheduled.
10

11 The Order for Return of the Child was filed on March 30, 2021, wherein the Court found
12 and ordered the following:

13 On Page 2, lines 1-5:

14 During these proceedings the children were to remain in Nevada. Kimberly was to have
15 regularly scheduled visitation and holiday visitation, at the time of filing the Motion at least two of
16 the scheduled visitations were missed due to Plaintiff leaving the jurisdiction with the children.
17

18 On Page 2, lines 9-12:

19 “THE COURT FINDS that custody and visitation of the following children is at issue:
20 Xy’shone Judson, born November 20, 2011, Xaia Judson, born August 13, 2015, and Xionne
21 Judson, born May 3, 2019. Nevada is the children’s home state.
22

23 On Page 2, lines 13-25:

24 “THE COURT FURTHER FINDS that the most recent Court Order regarding Kimberly’s
25 visitation was from August 13, 2020 hearing. The Order from this hearing was filed September 14,
26 2020. The Court had issued prior Orders requiring the children to remain in state. The Order from
27 the August 31, 2020 hearing provides Kimberly with monthly visitation and holiday visitation. This
28

1 Order also stated that Kimberly could contact the Court if no agreement for holiday visitation was
2 reached. With Plaintiff removing, concealing, and withholding the children, no holiday visitation
3 agreement has been reached and Kimberly contacted the Court and filed both a Motion and Ex Parte
4 Motion requesting the children to be returned.”

5 On Page 3, lines 1-4:

6
7 “THE COURT FURTHER FINDS that Plaintiff, Tamika Beatrice Jones, is violating said
8 Order and the prior Orders by removing the children from Nevada and withholding the children
9 from the Court Ordered visitation awarded to Kimberly.”

10 On Page 3, lines 5-8:

11 “THE COURT FURTHER FINDS that it is in the best interest of the children that they be
12 returned to Nevada and that Kimberly be granted Temporary Physical Custody of the children
13 pending further Order of this Court.”

14 On Page 3, lines 9-14:

15
16 THEREFORE, IT IS HEREBY ORDERED that Plaintiff, Tamika Beatrice Jones, Plaintiff
17 and the children’s mother, shall immediately turn over physical custody of the three children,
18 Xy’shone Judson, Xaia Judson, and Xionne Judson, to Intervenor, Paternal Grandmother, Kimberly
19 White’s care until the next hearing date.

20 On Page 3, lines 16-17:

21
22 IT IS FURTHER ORDERED that the Court hereby waives the 24 hours’ notice
23 requirement because such notice would likely defeat the purpose of the Order.

24 On Page 3, lines 18-24:

25 IT IS FURTHER ORDERED that any and all law enforcement personnel, of Nevada or
26 any other jurisdiction, including Detroit, Michigan, are authorized and directed to assist the
27 children’s grandmother Kimberly White in obtaining physical custody of the minor children and
28

1 their belongings, clothing and personal effects, and in the return of the children to Nevada.

2 On Page 3, lines 25-26:

3 IT IS FURTHER ORDERED that Kimberly White is awarded Temporary Sole Physical
4 Custody of the children pending further Order of this Court.

5 On Page 4, lines 1-4:

6 IT IS FURTHER ORDERED that Kimberly shall notify the Court once she has obtained
7 physical custody of the children and they have been returned to Nevada.

8 On Page 4, lines 5-6:

9 IT IS FINALLY ORDERED that this Order remains in effect until further Order of the
10 Court.

11 Currently, Ms. White was able to retrieve the two older children, however, has been unable
12 to retrieve the youngest child.

13 Plaintiff states in her Emergency Motion and Emergency Ex Parte Motion on Page 2, lines
14 10-15:

15 “Thereafter, the Order from the February 24, 2021, Hearing and Order for Return of the
16 Children was never sent to Ms. Jones even though she had provided the Court with her new email
17 address, and Intervenor and her counsel knew she had relocated to Michigan, knew where she was
18 living in Michigan, and knew she no longer lived at the old Las Vegas address the Orders were sent
19 to and presumably returned.”

20 Plaintiff has not supported ANY evidence whatsoever that she indeed provided the Court,
21 Intervenor, or Intervenor’s previous counsel with her email address. Plaintiff claims that she never
22 knew about the previously filed Orders until the Attorney General contacted her. Even if this far-
23 fetched excuse may be true, Plaintiff still has violated this Honorable Court’s Order first by
24 relocating to Michigan.

1 Ms. White recently asked Plaintiff for her address on both December 12, 2021 and
2 December 13, 2021. Plaintiff responded stating: "with everything you did to me? I would not give
3 you any of my information! I don't trust you!" (Attached and incorporated herein is Exhibit 1D: a
4 true and correct copy of the Co-Parenting App messages).

5
6 As this Honorable Court knows and has found in findings, in 2016, Plaintiff went to the
7 children's school, which there was never any previous interaction between Plaintiff and the school,
8 and picked up Xy'shone early and then left Nevada. Later it was discovered that she was in Michigan
9 with Xy'shone and Xaia.

10 On September 6, 2019, Plaintiff sent text messages to Ms. White while she was on a work
11 trip, requesting that she bring the minor children to her apartment when Ms. White returned home.
12 In these messages she informed Ms. White she wanted to take the minor children for family pictures.
13 However, a few days before, Plaintiff informed Ms. White that she was again going to be evicted
14 from her residence due to non-payment, that she was unable to even provide any food for the minor
15 children and her cupboards were bare. It should also be noted with the Court that five (5) days prior
16 to this, the children had already taken pictures at school. Prior to Ms. White arriving home, Plaintiff
17 went to the minor children's school and tried to remove them. When Plaintiff was informed that the
18 minor children were not at school, she went to Ms. White's residence. No one was home at that
19 time. Two (2) days later, multiple officers came to Ms. White's residence with Plaintiff and one of
20 her friends stating that Plaintiff had informed them that there was three (3) kidnapped children inside
21 being held. Ms. White allowed Plaintiff inside and instead of attending to the minor children, which
22 she informed the police was her main priority, she went upstairs and started wandering around while
23 the minor children and Defendant were downstairs. It should be noted with this Honorable Court
24 that when the police finally unraveled the story, they actually shifted gears and started to interrogate
25 her friend that was with her, regarding a recent theft involving property. The officers advised Ms.
26
27
28

1 White to go upstairs and supervise her visit because “she might be robbing you”. After Plaintiff left
2 Ms. White’s residence, she stood in the street shaking and screaming “they won’t let me see my
3 kids”. Later that evening, the police came back to Ms. White’s residence to formally apologize for
4 the incident involving Plaintiff earlier that day.

5
6 Furthermore, Plaintiff has even admitted to the Court in her recent Motions that she went
7 against this Honorable Court’s Order and relocated to Michigan without approval as she was
8 previously denied relocation twice. Specifically, on February 14, 2020 due to Plaintiff’s failure to
9 follow procedure and serve the opposing party and file a certificate of service. (Attached and
10 incorporated herein is Exhibit 1E: a true and correct copy of the Minutes from February 14, 2020).

11 In fact, Plaintiff gave NO NOTICE to this Honorable Court, Intervenor, or Intervenors
12 previous counsel that she was relocating to Michigan as you can see in the messages back and forth
13 between Plaintiff and Ms. White.

14
15 She packed up and left with the children and that is why she did not receive Ms. White’s
16 Motions or this Court’s most recent Orders. Plaintiff was even in Court on November 3, 2020 and
17 informed the Judge that visitations were going well. Shortly after the hearing and before the next
18 scheduled visitation with Ms. White, Plaintiff fled to Michigan. During this time Plaintiff also failed
19 to negotiate a holiday schedule, which was ordered by this Honorable Court. Plaintiff was not
20 available to negotiate as she had already left Las Vegas with the minor children.

21
22 Now, after Plaintiff has wrongly taken the minor children across state lines, Plaintiff requests that
23 the Order for Return of the Child be set aside. This is absurd. This is in no way any other person’s
24 fault except for the Plaintiff herself. (Attached and incorporated herein is Exhibit 1F: a true and
25 correct copy of a timeline of events and messages between Ms. White and Plaintiff and messages
26 from Plaintiff stating she will not follow the Court Order until it was validated, denying visitation
27 and moving to an un-disclosed visitation).

1 In regards to Plaintiff's mention of Defendant verbally agreeing to her moving to Michigan,
2 this Court has already found that Defendant has not been involved in ANYTHING regarding this
3 matter in over at least one (1) year. Therefore, this should not be taken into consideration by this
4 Honorable Court. There is no evidence that Defendant indeed made this statement and until this
5 allegation is found to be true, it should be taken with a grain of salt as this is simply hearsay and has
6 yet to be proved. Furthermore, if this was to be true, why has Plaintiff not submitted a written
7 notarized agreement between Plaintiff and Defendant informing this Court of Defendant agreeing
8 to relocate to Michigan. Surely if this was true, she shouldn't have an issue getting this in writing
9 and submitting to this Court.
10

11 **Previous Counsel**

12 Attorney Vigoreaux cannot comment on the previous counsel's lack of communication.
13 However, Attorney Vigoreaux has reached out to the McGannon Law Office to inform opposing
14 counsel that he has substituted in as counsel for Ms. White and unfortunately has not had any success
15 in reaching Ms. White's previous counsel of record, Janice Jacovino, even for her signature to
16 substitute in this matter. (Attached and incorporated herein is Exhibit 1G: a true and correct copy
17 of the Notice of Appearance filed December 21, 2021). The actions of lack of communication
18 between opposing counsel and previous counsel, Janice Jacovino, should not prejudice Ms. White
19 in any way. (Attached and incorporated herein is Exhibit 1H: a true and correct copy of Ms. White's
20 email messages with the Legal Aide Center requesting help and advising attorney is unresponsive).
21

22 Plaintiff states in her Motion on Page 3, lines 5-13:

23 "MLO was contacted by Sergeant Matthew Downing of the Las Vegas Metropolitan Police
24 Department and discussed with him that the Nevada Attorney General and Las Vegas Metropolitan
25 Police Department were going to have get involved in the return of the Minor Children if no action
26 was taken on Ms. Jones' behalf. Importantly, he represented that they would rather have the matter
27
28

1 resolved by the Family Court. MOM's counsel represented that he would be filing a Motion for
2 Relief with the Family Court if a resolution with Intervenor was not obtained. This was confirmed
3 in email dated October 8, 2021."

4 There is an abundance of issues with MLO's contact with Las Vegas Metropolitan Police
5 Department. Not only has the Plaintiff violated this Court's Orders, but counsel seems to think that
6 he can represent for both parties without BOTH parties actually being present. Counsel should have
7 never represented this to Las Vegas Metropolitan Police Department. The bottom point is that MLO
8 caused Las Vegas Metropolitan Police Department to stall even though this Honorable Court
9 Ordered that

11 "any and all law enforcement personnel, of Nevada or any other jurisdiction, including
12 Detroit, Michigan, are authorized and directed to assist the children's grandmother Kimberly White
13 in obtaining physical custody of the minor children and their belongings, clothing and personal
14 effects, and in the return of the children to Nevada"

16 MLO had no right to represent that "they" would rather have the matter resolved by the
17 Family Court. Furthermore, who is "they"? Of course, Plaintiff and her counsel would want to stall
18 the minor children from being picked up or returned, and that's just what they did. Ms. White had
19 to jump through hoops to find Xy'shone and Xiaia. Plaintiff still refuses to return Xionne. Therefore,
20 MLO's intervening prevented the minor children from being returned to Ms. White and this should
21 be addressed with this Honorable Court.

23 It should be noted with this Honorable Court that Ms. White had issues with law
24 enforcement taking action. Officer Downing informed Ms. White "The police don't look for missing
25 children – absolutely not." When Ms. White informed Officer Downing that it was an Order from
26 the Court, he responded "Judges can't tell police what to do." Ms. White called and sent emails to
27 the police department however, unfortunately no calls or emails were returned. Ms. White even
28

1 reached out for assistance from Internal Affairs and Aaron Ford regarding the lack of cooperation
2 from the missing persons unit.

3 Plaintiff accuses Ms. White of aggressively seeking to have Michigan Law Enforcement
4 enforce the Order for Return and that the police showed up and the minor children were affected.
5 Plaintiff informs this Court that the officer at her residence that day informed her “that he would
6 have a hard time removing these children from their home and mother especially when there was
7 absolutely no signs of abuse or neglect”. Again, Plaintiff has failed to submit any evidence of this
8 happening. And again, this is just merely hearsay. This Honorable Court should know that Ms.
9 White systematically followed a plan to find missing children recommended by several agencies.
10 Ms. White went through numerous hoops to locate and retrieve the two oldest children. Currently,
11 Ms. White is unable to retrieve any school records from Michigan due to Plaintiff and her
12 conversations with the staff. The staff continue to refuse to release the minor children’s records
13 despite being informed that their noncompliance directly violates FERPA.
14

15 Plaintiff accuses Ms. White of needlessly involving the minor children’s school in this
16 matter. It should be noted with this Honorable Court that the search for the minor children took on
17 a sense of urgency when Ms. White received a telephone message from Xy’shone saying that Ms.
18 White “tried to kill him”, when she hadn’t even seen him for at least a year. Ms. White was very
19 concerned and ramped up her efforts to locate the minor children. It should also be noted with this
20 Honorable Court that during this message, Plaintiff is heard telling Xy’shone to leave a message.
21 The following day a message was received from Plaintiff informing Ms. White that she didn’t know
22 that Xy’shone was going to leave such a message.
23

24 If Ms. White would have never involved the children’s school, she would not have had
25 ANY of the children in her custody today. It should be noted with this Court that the only way Ms.
26 White was able to retrieve Xy’shone and Xaia was through the children’s school. This also happened
27
28

1 to be the least traumatic way to retrieve the minor children as Ms. White was in fear that Plaintiff
2 would make an unnecessary scene as she has done multiple times previously. Ms. White also was
3 verbally threatened by Plaintiff's mother during Court Ordered mediation saying that she would
4 "get you for everything you've done to Tamika". Therefore, due to these circumstances, Ms. White
5 did not was to take a chance of traumatizing the minor children during the retrieval process.
6 Fortunately, Ms. White was able to retrieve the minor children without them knowing that the police
7 presence had anything to do with them. Xionne unfortunately is not old enough to attend school
8 and therefore Ms. White was unable to retrieve him. Furthermore, it is amusing that Plaintiff claims
9 that Ms. White is seeking to disrupt the minor children's school, when Plaintiff, on three (3) separate
10 occasions has tried to take the minor children out of prior to abducting the minor children in
11 November 2020. Plaintiff's harassment with trying to pull the minor children out of school has led
12 to Ms. White having to file a Protective Order for the Children at the request of the Innovation
13 Academy, which is the minor children's previous private school, in order to re-enroll them.
14 (Attached and incorporated herein is Exhibit 11: a true and correct copy of the Protective Order for
15 the Children filed December 7, 2021). Clearly, and as this Court has found on multiple occasions,
16 Plaintiff has never had the children's best interest in mind and continues to traumatize them more
17 and more as time continues.

20 On December 4, 2021, Plaintiff called LVMPD stating she thought the children were being
21 "harmed" while in Ms. White's care and needed police well check.

23 Plaintiff has been caught coaching Xy'shone to repeat false claims, specifically regarding
24 the intervenor trying to kill him, which has previously been discussed in this matter.

25 Plaintiff has been caught coaching the minor children that "dad will hurt us if we go to his
26 apartment".

27 Plaintiff has forced the minor children to lie about her poor choices of influence in their
28

1 lives, specifically regarding Tamika's boyfriend, James Henry Lewis. Plaintiff has even ordered the
2 minor children to call her boyfriend, James Henry Lewis, "uncle" in some instances and "step-dad"
3 in others.

4 Plaintiff has willfully hidden the minor children from the immediate and extended family
5 who the minor children have known their whole life. Plaintiff removed the minor children
6 intentionally from a stable home and schooling to sleeping in hotels and on their grandmother's sofa
7 and eating canned donated food.

8 During phone calls, Plaintiff has forced the minor children to chose between "here and
9 there" and "her or me" despite Ms. White politely asking her not to talk to the children regarding
10 Court matters.

11 Plaintiff continues to harass the children about things out of their control. For example,
12 Plaintiff will ask the children when they are returning to Michigan and tells them when and how
13 often they must call her. Ms. White has informed Plaintiff that a phone schedule is being discussed
14 in counseling sessions.

15 Plaintiff continues to refuse to release the minor children's medical insurance information
16 with the most recent refusal occurring in December of 2021, when Ms. White notified Plaintiff that
17 the children's ears were impacted and that Xaia needed her asthma medication. Plaintiff is now
18 putting the minor children's health at risk.

19 Plaintiff dangles rewards and makes false promises to the minor children in order to side
20 with her in this custody matter. She makes statements to the children such as "I have a bunch of
21 Christmas gifts for you", "you're missing all the birthday parties", "you can't play in the snow",
22 Xionne walks around the house all day calling out for you".

23 During telephone visitation time, Plaintiff interrogates the minor children about the details
24 of their current living conditions.

1 Plaintiff has grown very hostile with Ms. White instead of working to maintain all family
2 relationships with the minor children.

3 It should be noted with this Court that upon retrieving the minor children, Xy'shone made
4 comments of feeling depressed such as: "This is hurting me", "I want things the way they used to
5 be", "I feel bad", "I feel worthless". Xaia made comments of feeling depressed such as: "I'm sad",
6 "So sad", "I'm always sad because of family stuff". Both children made multiple statements about
7 being "too poor" to have everyday regular experiences for their age.
8

9 Due to the minor children's behavior, Ms. White enrolled them into counseling. It was the
10 counselor's recommendation that the children should have one (1) call a week with Tamika. Since
11 Plaintiff found out the children are receiving counseling services, she has voiced her displeasure.
12 Due to Plaintiff refusing to provide the minor children's medical insurance, Ms. White has endured
13 all medical costs out of pocket.
14

15 Plaintiff cites NRS125C.0045, however, again as stated previously in this Opposition and
16 Countermotion, Ms. White should not be held accountable for her previous counsel, especially since
17 NO ONE has heard from Janice Jacovino, including Ms. White, for over two (2) months. As this
18 Honorable Court knows, this matter just relating to the last Order for Return due to Plaintiff violating
19 the Order, has prolonged for over a year and could have been resolved a year ago, had Plaintiff of
20 showed up to the Court hearing. Obviously, Plaintiff has no intention to allow Ms. White ANY sort
21 of visitation as shown from her behavior over the previous year. Plaintiff intends to withhold the
22 minor children and currently is still withholding one minor child against this Honorable Court's
23 Order. Plaintiff is not interested in doing what is in the minor children's best interest and this is
24 nothing more than her misguided attempt to circumvent the legal system in order to selfishly take
25 custody away from their own paternal grandmother who has been the primary care provider and
26 caretaker for these minor children's entire lives, since Xy'shone birth in 2011. Ms. White had every
27
28

1 right to involve Michigan as stated in the last Order from the February 24, 2021 Hearing filed March
2 29, 2021. See Exhibit.

3 Plaintiff then cites NRS 125C.050, but fails to address that Ms. White intervened because
4 both Plaintiff and Defendant refused to uphold their responsibility of parents to ALL three (3) minor
5 children. This has been found with the Court on multiple occasions. Plaintiff also failed to adhere
6 to the Order from the February 24, 2021 Hearing filed March 29, 2021, in regards to telephonic
7 visitation. Ms. White, to date, has not received ANY calls from Xionne, whom is still being withheld
8 from Ms. White by Plaintiff. Currently, since Ms. White does have a filed Protective Order, Plaintiff
9 is not allowed to call, text, email or visit.
10

11 **Countermotion**

12 **II. LAW AND ARGUMENT**

13 **A. Plaintiff Should Be Ordered to Show Cause as to Why She Should Not be Held in** 14 **Contempt of Court for Her Failure to Abide by the Court's Lawful Order** 15

16 NRS 1.210(3) **Powers of court respecting conduct of proceedings.** Every court shall have
17 power:

18 *1. To compel obedience to its lawful judgments, orders and process, and to the lawful
19 orders of its judge out of court in an action or proceeding pending therein.*

20 NRS 22.010(3) **Acts or omissions constituting contempt's.** The following acts or
21 omissions shall be deemed contempt's:

22 *1. Disobedience or resistance to any lawful writ, order, rule or process issued by the court
23 or judge at chambers.*

24 Plaintiff is clearly, and has been found by this Honorable Court by clear and convincing evidence,
25 in contempt of numerous Court Orders Under NRS 1.210(3) as she is still continuing to willfully
26 hold Xionne from Ms. White as this Honorable Court Ordered ALL of the minor children to be
27 returned to Las Vegas, Nevada and into Ms. White's care temporarily. Plaintiff mocks the law as if
28 she is above it. Plaintiff's complete disregard for this Honorable Court's Order and Ms. White's

1 Ordered intervenor rights is alarming to say the least. (Attached and incorporated herein is Exhibit
2 1J: a true and correct copy of messages between Plaintiff and Ms. White after retrieving two (2) of
3 the three (3) minor children).

4 **NRS 22.100 Penalty for contempt states:**

5 *1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine*
6 *whether the person proceeded against is guilty of the contempt charged.*

7 *2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed*
8 *on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both.*

9 *3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to*
10 *subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule*
11 *or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of*
12 *the contempt.*

13 **NRS 22.110 Imprisonment until performance if contempt is omission to perform an**
14 **act; penalty for failure or refusal to testify before grand jury states:**

15 *1. Except as otherwise provided in subsection 2, when the contempt consists in the*
16 *omission to perform an act which is yet in the power of the person to perform, the person may be*
17 *imprisoned until the person performs it. The required act must be specified in the warrant of*
18 *commitment.*

19 *2. A person so imprisoned as a result of his or her failure or refusal to testify before a*
20 *grand jury may be imprisoned in the county jail for a period not to exceed 6 months or until that*
21 *grand jury is discharged, whichever is less.*

22 Plaintiff should be Ordered to Show Cause as to why she should not be held in Contempt of Court
23 for his failure to abide by the Court's Orders. Plaintiff on multiple occasions listed in this Opposition
24 and Counter has taken the minor children out of the state of Nevada against this Honorable Court's
25 Order and has willfully withheld the minor for almost a year; and previously Plaintiff abducted the
26 minor children for six (6) months in 2016. Currently Xy'shone and Xaia are in Ms. White's custody
27 with the help of Michigan's school district and metro police. They both have been reintegrated into
28 their family, reunited with friends, necessary medical issues addressed, started therapy and are living
a life where they are definitely not "too poor" to experience everyday life for their age. This Court
should be aware that Plaintiff is still currently withholding Xionne, the youngest minor child.
(Attached and incorporated herein is Exhibit 1K: a true and correct copy of messages between

1 Plaintiff and Ms. White after picking up two (2) of three (3) of the minor children).

2 **This Court should order a fine of \$500.00 in compliance with NRS 22.100.**

3 **B. For the Court to find Plaintiff Guilty of Child Abduction**

4 Pursuant to the Stipulated Decree of Custody on page 15 lines 18 through 26:

5 *"Pursuant to NRS 125C.0045(6), neither parent shall abduct or conceal the child. Nevada*
6 *law provides:*

7 *PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION CONCEALMENT OR*
8 *DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A*
9 *CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200359 provides that every*
10 *person having a limited right of custody to a child or any parent having no right of custody*
11 *to the child who willfully detains, conceals or removes the child from a parent, guardian or*
12 *other person having lawful custody or a right of visitation of the child in violation of an order*
13 *of this court, removes the child from the jurisdiction of the court without the consent of either*
14 *the court or all persons who have the right to custody or visitation is subject to being*
15 *punished for a category D felony as-provided in NRS 193.130."*

16 Plaintiff filed two (2) Motion's requesting to relocate, however, both motions were denied
17 and Plaintiff knew that she was not to remove the minor children from the state of Nevada even for
18 vacation. Plaintiff willfully and knowingly concealed and detained Xy'shone, Xaia and Xionne from
19 Ms. White and this Honorable Court and if she is further found to be in violation, that it is a direct
20 penalty that is punishable as a Category D Felony as Provided in NRS 193.130. However, regardless
21 of NRS 125C.0045(6) Plaintiff has chosen to withhold Xy'shone, Xaia and Xionne from Ms. White
22 for approximately a year for Xy'shone and Xaia and over a year and counting for Xionne. Therefore,
23 Ms. White is respectfully requesting that the Court find Plaintiff Guilty of willful Child Abduction.

24 **C. Xionne Should be Immediately Returned to Las Vegas, Nevada into the Custody of**

25 **Ms. White as this Honorable Court Ordered**

26 As stated previously, and as this Honorable Court knows Plaintiff is still withholding the
27 youngest minor child, Xionne. Furthermore, even though she knows there is an Order for Return
28 she still continues to withhold Xionne from Ms. White and this Honorable Court. Plaintiff should

1 be Ordered to immediately return Xionne into Ms. White's care within 48 hours of the January 20,
2 2022 Hearing.

3 **A. It is in the Best Interest of the Minor Children for Ms. White to keep Physical Custody**

4 It is in the Best Interest of the minor children for Ms. White to keep Physical Custody due
5 to Plaintiff's continuous violation of this Honorable Court's Orders and Plaintiff's willful
6 withholding of the minor children from Ms. White.

7 Plaintiff's unpredictable behavior coupled with her disregard for this Honorable Court's
8 Order and Ms. White's grandparents' rights has led to Ms. White having to hire counsel to preserve
9 her rights.

11 *NRS 125C.0035(1) states in part:*

12 *"(1) In any action for determining physical custody of a minor child, the sole consideration of the court is the
best interest of the child."*

13 *NRS 125C.0035(4) examines the individual elements that determine the best interest of 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:*

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

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

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

17 *(d) The level of conflict between the parents.*

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

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

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

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

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

23 *(j) Any history of parental abuse or neglect of the child or a sibling of the child.*

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

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

26 In this case, it would be in the best interest of the minor children for this Honorable Court to
27 Order that Ms. White keep physical custody of the minor children. Let us examine each element
28 individually, for clarity:

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

1 At this time, Xy'shone is ten (10) years old; Xaia is six (6) years old, and Xionne is only
2 two and a half (2 ½) years old, and therefore does not have the discernment to make that
3 decision.

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

5 Plaintiff and Defendant both nominated Ms. White as the guardian for the minor children
6 previously. The minor children have lived with Ms. White for most of their lives, with
7 their parents, Plaintiff and Defendant, coming and going as they please.

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

10 This element is very important for the Court to consider, in that Plaintiff has been found
11 on numerous occasions to withhold the minor children from Ms. White. Plaintiff has
12 purposefully prevented the minor children from having "frequent associations" with Ms.
13 White and were even forbidden to mention her name. It should be noted with this
14 Honorable Court that Ms. White only spoke with the minor children a total of three (3)
15 times over the past year while being hidden in Tamika's custody.

16 On or around November 13, 2020, without consulting Ms. White or this Honorable
17 Court, Plaintiff relocated to Michigan with the children even though this Honorable
18 Court Ordered that the minor children not be removed from Nevada. Ms. White had not
19 seen the minor children for a little over a year. Ms. White found two (2) of the minor
20 children at school in Michigan and picked them up. Ms. White still does not have Xionne,
21 which Plaintiff is still withholding against this Honorable Court's Order. This factor
22 weighs in Ms. White's favor as she is the party most likely to follow a court ordered
23 visitation schedule.

24 (d) *The level of conflict between the parents.*

1 Ms. White has a very easygoing and patient temperament. Through no fault of her own,
2 she repeatedly falls subject to vicious, unprovoked verbal and mental attacks, and
3 beratement by Plaintiff. This Court should be aware that mediation was ended because
4 Plaintiff refused to negotiate visitation and wanted to use the platform to express her
5 dislike for Ms. White. Plaintiff has made statements to Ms. White such as “You’re stuck
6 in an empty tomb with your soon to be dead mom and dad”, “Your eggs are dried up”,
7 “You’re just a grandmother that’s deranged”, “You are wicked”.

9 Tamika’s mother has even threatened Ms. White that she was going to “get you Kim for
10 everything you did to Tamika”. Further, instead of exerting influence on her daughter to
11 work together for the betterment of the minor children, she fuels the animosity of the
12 Plaintiff with texts to Ms. White stating, “Face yourself bitter rich with money that can’t
13 buy you love two half dead parents with no life in them,” and “you would be better off
14 at the bottom of the sea with a mill stone around your neck,” these are only a few, there
15 have been much more.

17 Ms. White is not the aggressor against Plaintiff or Defendant and would prefer to
18 establish a peaceful relationship with both Plaintiff and Defendant so they can be the
19 best role models possible to the minor children.

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

21 Plaintiff’s volatile behavior will require a neutral party to be appointed to oversee the
22 exchange of custody. Ms. White is and always has been eager to do what is best for the
23 minor children, she is attentive to the minor children and makes sure their emotional,
24 physical, and mental health needs are met. This factor should weigh in favor of Ms.
25 White as she is the only party to not abuse the court process for custody.

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

1 Defendant is a transient and it is believed that he continues to suffer from drug abuse
2 issues. Plaintiff has violent outbursts, outrageous tantrums, and an inclination to verbally
3 and mentally abuse those around her. Plaintiff has been found by this Honorable Court
4 to have dangerously unpredictable behavior. Plaintiff has demonstrated a history of
5 maladaptive behaviors causing sullen hate towards Ms. White.
6

- 7 1) Antisocial personality disorder is suspected with Plaintiff because of the pattern of
8 disregard for/violation of the rights of others or societal law, lying and deception,
9 reckless regard for the safety of others, irresponsibility with family and work, and
10 lack of remorse.
- 11 2) Compulsive lying disorder is suspected due to Plaintiff's continuous lies, and ability
12 to make herself believe those lies, which are easily ascertained when examining her
13 own written words in numerous text messages.
- 14 3) Delusions of persecution is suspected due to Plaintiff's statements regarding this
15 matter. Specifically, relationships, etc.
- 16 4) Paranoia is suspected due to Plaintiff's statements such as Ms. White is trying to
17 brainwash the children by getting them toy. Plaintiff also continues to tell the minor
18 children that Ms. White has done something bad to her.
- 19 5) Narcissistic personality disorder is suspected as Plaintiff focuses on "my kids"
20 instead of the "best interest of the children" and demands to speak to the kids when
21 they wake up, on her lunch and before bed, obviously the interruptions of the kid's
22 day wouldn't allow them to follow a normal schedule and is unrealistic with school
23 and activities in the home.
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1 6) Disregard of safety as Plaintiff has bought James Lewis, a felon into the children's
2 life as their "stepfather" or "uncle" even while he returns to prison again for parole
3 violation.

4 Plaintiff should undergo psychological evaluation to determine the ability to safely care for
5 minor children.

6 This factor should weigh into Ms. White's favor as she doesn't verbally or mentally
7 abuse Plaintiff or Defendant and she is clean and sober from any drug use.

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

9 In this case, there is clear and convincing evidence that Plaintiff has neglected the minor
10 children for years in the forms of health, safety, emotional well-being, shelter and food.

11 During pick-up of Xaia, she was very quiet, moving slowly, with a flat affect. When asked
12 what was wrong, she said "I'm sad. I'm so sad. I'm sad all the time." When asked why she
13 remarked, "All the family stuff." These are alarming signs of pediatric depression. She
14 became more talkative as the day went on, but it wasn't until Ms. White and Xaia had a
15 whole day of not speaking to Plaintiff that Xaia lightened up and became the child she was
16 before she left Las Vegas. Finally, she woke up and said, "I had a good day yesterday."

17 Xy'shone has voiced his worry, and the negative feelings associated with the family
18 problems and how it affects him. He has difficulty falling and staying asleep. He often
19 wants to be alone. He makes negative statements about himself.

20 Both Xaia and Xy'shone have started counseling and should remain in counseling due to
21 the abductions that Plaintiff has put them through. As stated previously, Plaintiff has voiced
22 her displeasure with the minor children receiving counseling and still refuses to provide
23 necessary insurance information for the children.

24 This Court should be aware that both children arrived with cerumen impaction of both ears,
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1 found with digital otoscope. Ms. White completed evacuation of Xaia's ear, but found an
2 object in Xy'shone right ear and stopped all attempts. Ms. White notified Plaintiff and was
3 answered with a nasty text. Ms. White ended up paying out of pocket to have the object
4 removed.

5 The minor children were abruptly removed from their private school when Plaintiff
6 abducted them. Xaia was three (3) years old studying kindergarten curriculum; she is now
7 six (6) years old studying first (1st) grade curriculum, indicating an issue with schooling.

8 The children have voiced their desire to return to their life in Las Vegas, the way it used to
9 be, while maintaining a relationship with their mother Tamika. Unfortunately, Plaintiff has
10 discussed the custody hearings with the children, coached them to repeat lies regarding the
11 parties in the case including having Xy'shone leave a phone message accusing the
12 intervenor of trying to kill him.

13 Ms. White has always shown that she is able to ensure that the minor children grow and
14 live a healthy life by providing the minor children with necessary emergency medical
15 services, necessary immunization records, counseling and ensuring that the minor children
16 are in a caring, loving environment where they can grow and learn with the support of
17 family and friends. Ms. White is clearly more equipped to nurture the growth and
18 development of the minor children. Ms. White is accustomed to feed, bathe, clothe, and
19 otherwise nurture the minor children's growth, as it was her sole responsibility, prior to
20 Tamika's unwarranted interference, and is again now, due to the Court finding clear and
21 convincing evidence that Plaintiff had indeed withheld and abducted the minor children
22 against this Honorable Court's Order.

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26 *(h) The nature of the relationship of the child with each parent.*
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1 The children currently do not have a relationship with the Defendant and his whereabouts
2 are unknown. The children are not fond of living with Plaintiff and think of themselves
3 as “too poor” while in her care. Ms. White’s relationship with the children however, is
4 of much trust and love as Ms. White is the only stability that the minor children know.
5 The minor children’s great grandparents also reside in the home, which provides the
6 children with another layer of love, care and support.
7

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

9 There are no other siblings in this matter other than those listed already.

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

11 Plaintiff and Defendant have a history of neglecting the minor children’s needs in the
12 past and continues to do so to this day. Plaintiff continues to make decisions to where
13 the minor children did not and may not in the future have a stable roof over their head,
14 working utilities or food. The Court has even found that there was clear and convincing
15 evidence that Plaintiff had violated the Court’s Order and previously neglected the minor
16 children and that Ms. White should retain Temporary Physical Custody.
17

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

20 Plaintiff is a violent person. The minor children have witnessed acts of domestic violence
21 occurring between Plaintiff and her family members, with the most recent being her
22 sister.

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

25 Plaintiff has demonstrated that she is capable of concealing the minor children from this
26 Honorable Court and Ms. White on at least two (2) separate occasions. Plaintiff has in
27 the past and currently, threatened to stop all visitation. Plaintiff has taken the minor
28 children out of Las Vegas without the consent of this Honorable Court or Ms. White.

1 Plaintiff responds with hostility when Ms. White tried to communicate with her
2 regarding the minor children. Ms. White only received three (3) phone calls this previous
3 year while the children were missing.

4 Having thoroughly examined each element of NRS 125C.0035(4)(a)-(l), the facts
5 demonstrate that it is in the minor children's best interest to be in the custody of Ms. White. For the
6 minor children's safety and general wellbeing, it is in his best interest to live with Ms. White.
7 Therefore, Ms. White's request to keep Physical Custody should be granted.
8

9 **B. Residing with Ms. White is in the Minor Children's Best Interest**

10 Ms. White's background is sharply contrasted with that of Plaintiff and Defendant. Ms.
11 White graduated with a Doctorate Degree in Clinical Practice and has been gainfully employed and
12 practicing in the medical field since 1989. Ms. White is currently working as a Nurse Practitioner
13 and has started the pursuit of her MBA in Healthcare Management. Ms. White has no history of
14 violence or criminal conduct. Most importantly, Ms. White has provided and currently provides a
15 stable and SAFE environment for the minor children. The Court must ask itself how much nurturing
16 support the minor children will receive if they are returned to Michigan into the hands of Plaintiff.
17 The Court should keep in mind that the Plaintiff has willfully neglected the minor children
18 previously for her own selfish desires. Therefore, it is in the minor children's best interest to
19 continue to reside in Las Vegas, Nevada with Ms. White. Ms. White is requesting that she be granted
20 Sole Physical Custody of the minor children. She understands the importance of having both parents
21 involved in the minor children's life. She is supportive of supervised visitation only in the State of
22 Nevada, City of Las Vegas, at this time since Plaintiff continues to leave the State of Nevada without
23 proper approval from this Court. Ms. White is respectfully requesting that Plaintiff undergo a
24 psychological evaluation, parenting classes, able to demonstrate a stable living situation in Nevada
25 which includes but does not limit to paying rent on time continuously and providing the children
26
27
28

1 with food.

2 **C. Ms. White Should Be Awarded Attorney Fees and Costs Pursuant to NRS 18.010, NRS**
3 **22.100 and EDCR 5.11.**

4 Pursuant to NRS 18.010(2)(a)(b):

5 *"In addition to the cases where an allowance is authorized by specific statute, the court may*
6 *make an allowance of attorney's fees to a prevailing party:*

7 *(a) When the prevailing party has not recovered more than \$20,000; or*

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

18 NRS 18.010 provides that courts are to liberally construe NRS 18.010(2)(b) in favor of
19 awarding attorney's fees in all appropriate situations. *See Trs. Of Plumbers & Pipefitters Union*
20 *Local 525 Health & Welfare Trust Plan v. Developers Surety & Indem. Co.*, 120 Nev. 56, 84 P.3d
21 59 (2004) (suggesting that the portion of the 2003 amendment stating the court "shall liberally
22 construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate
23 situations" also applies to NRS 18.010(2)(a)).

24 Ms. White has unnecessarily incurred substantial fees to bring forward this Opposition and
25 Countermotion and retrieving two (2) or the three (3) minor children and Plaintiff should be ordered
26 to pay those fees. It is unreasonable to expect Ms. White to pay upwards of \$350.00/hour for
27 attorney's fees and costs when Plaintiff has continuously withheld the minor children from Ms.
28 White and has violated numerous Court Orders by clear and convincing evidence.

29 The reasonableness of counsel's fees are assessed in light of the factors recited in Brunzell
30 v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969) and Miller v. Wilfong, 121 Nev.
31 619, 119 P.3d 727 (2005). The factors include:

32 Qualities of advocate:

- 1 1. Character of the work to be done:
- 2 2. Work actually performed by the lawyer; and
- 3 3. The result.

4 In this case, Ms. White's attorney practices primarily in Family Law, and is in good standing
5 with the Nevada State Bar. It was necessary to file this Opposition and Countermotion because of
6 the actions of the Plaintiff. In doing so, Counsel consulted with his client, and did appropriate
7 investigation and research to file the instant Opposition and Countermotion. Therefore, the Ms.
8 White is respectfully requesting that Plaintiff be ordered to pay for attorney fees and costs.

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1 **VIII. Conclusion**

2 WHEREFORE, Ms. White respectfully requests that this Honorable Court afford her
3 the following relief:

- 4 1. To DENY Plaintiff's Emergency Motion for Stay of Order for Return of Child in its
5 entirety;
- 6 2. To DENY Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of
7 Child in its entirety;
- 8 3. To GRANT Ms. White's Countermotion for an Order to Show Cause as to Why
9 Plaintiff should Not be Held in contempt of Court Pursuant to NRS 1.20(3), NRS
10 22.100, and NRS 22.110;
- 11 4. For the Court to Find Plaintiff Guilty of Child Abduction;
- 12 5. For Immediate Return of the Minor Child to Las Vegas, Nevada;
- 13 6. For Attorney's Fees and Costs; and
- 14 7. For any such other and further relief as the Court deems appropriate.

15 Dated this 5th day of January, 2022.

16 LAW OFFICE OF JULIO VIGOREAUX, JR.

17 By: /s/ Julio Vigoreaux, Jr. .
18 Julio Vigoreaux, Jr., Esq.
19 SBN 15347
20 Law Office of Julio Vigoreaux, Jr.
21 400 S. 4th Street, Suite 500
22 Las Vegas, NV 89101
23 Phone: (702) 483-8298
24 Facsimile: (702) 446-9648
25 Email: jvigoreauxlaw@gmail.com
26 Attorney for Intervenor,
27 Kimberly White
28 In an unbundled capacity

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

1, Kimberly White, declare, under penalty of perjury, being first duly sworn, deposes and says:	
---	--

1. I am the Intervenor in the above-entitled action;

2. I have read the foregoing 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 Fees and Costs; and Related Relief and the statements it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true.

Dated this 5th day of January, 2022.


KIMBERLY WHITE

1 **CERTIFICATE OF SERVICE**

2 I declare under penalty of perjury, that a true copy of the foregoing **Intervenors Opposition**
3 **to Plaintiff's Emergency Motion for Stay of Order for Return of Child and Plaintiff's Emergency**
4 **Ex Parte Motion for Stay of Order for Return of Child and Countermotion for an Order to Show**
5 **Cause as to Why Plaintiff Should Not be Held in Contempt of Court Pursuant to NRS 1.20(3),**
6 **NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff Guilty of Child Abduction; For**
7 **Immediate Return of the Remaining Minor Child to Las Vegas, Nevada; For Attorney's Fees and**
8 **Costs; and Related Relief** was served through Odyssey E-fileNV, pursuant to EDCR 7.26 to the
9 following:
10

11 MARK J. McGANNON, ESQ.
12 Nevada Bar No. 005419
13 McGANNON LAW OFFICE, P.C.
14 5550 Painted Mirage Rd., Suite 320
15 Las Vegas, NV 89149
16 Telephone: (702) 888-6606
17 Facsimile: (725) 502-2376
18 E-mail: mark@mcgannonlawoffice.com
19 Attorney for Plaintiff,
20 Tamika Beatrice Jones

21 Dated this 5th day of January, 2022.

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23
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25
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27
28

_____/s/ Kristy Young_____
KRISTY YOUNG

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES v. CHRISTOPHER CHARLES JUDSON

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 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 checked="" type="checkbox"/> Other Excluded Motion (must specify) _____.		

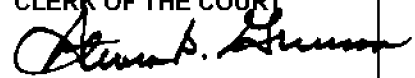
Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<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 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, Kimberly WhiteDate January 5, 2021Signature of Party or Preparer /s/ Intervenor, Kimberly White



1 EXHS

2 Julio Vigoreaux, Jr., Esq.
3 SBN 15347
4 Law Office of Julio Vigoreaux, Jr.
5 400 S. 4th Street, Suite 500
6 Las Vegas, NV 89101
7 Phone: (702) 483-8298
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9 Email: jvigoreauxlaw@gmail.com
10 Attorney for Intervenor, Kimberly White
11 In an unbundled capacity

DISTRICT COURT
CLARK COUNTY, NEVADA

9 PLAINTIFFBEATRICE JONES,
10 Plaintiff,

11 vs.

Case No.: D-19-594413-C

12 CHRISTOPHER CHARLES JUDSON,
13 Defendant.

14 vs.

Dept. No.: S

15 KIMBERLY WHITE,
16 Intervenor.

17 **EXHIBIT APPENDIX IN SUPPORT OF INTERVENOR'S OPPOSITION TO**
18 **PLAINTIFF'S EMERGENCY MOTION FOR STAY OF ORDER FOR RETURN OF**
19 **CHILD AND PLAINTIFF'S EMERGENCY EX PARTE MOTION FOR STAY OF ORDER**
20 **FOR RETURN OF CHILD AND COUNTERMOTION FOR AN ORDER TO SHOW**
21 **CAUSE AS TO WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT OF COURT**
22 **PURSUANT TO NRS 1.210(3), NRS 22.100, AND NRS 22.110; FOR THE COURT TO FIND**
23 **PLAINTIFF GUILTY OF CHILD ABDUCTION; FOR IMMEDIATE RETURN OF THE**
24 **REMIANING MINOR CHILD TO LAS VEGAS, NEVADA; FOR ATTORNEYS FEE'S**
25 **AND COSTS; AND RELATED RELIEF.**

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

29 COMES NOW, Intervenor, KIMBERLY WHITE, by and through her attorney of record,
30 JULIO VIGOREAUX, JR., of THE LAW FIRM OF JULIO VIGOREAUX, JR., in an unbundled
31 capacity solely for the filing of this Opposition and Countermotion and appearance at the subsequent

1 hearing, and hereby submits her Exhibit Appendix in Support of her Opposition to Plaintiff's
2 Emergency Motion for Stay of Order for Return of Child and Plaintiff's Emergency Ex Parte Motion
3 for Stay of Order for Return of Child and Countermotion for an Order to Show Cause as to Why
4 Plaintiff Should Not be Held in Contempt of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS
5 22.110; For the Court to Find Plaintiff Guilty of Child Abduction; For Immediate Return of the
6 Remaining Minor Child to Las Vegas, Nevada; For Attorney's Fees and Costs; and Related Relief.

7
8 Intervenor understands that these are not considered substantive evidence in this case until
9 formally admitted into evidence:

10
11 Table of Contents:

12 1. Exhibit (A true and correct copy of texts between Ms. White and
13 Plaintiff in 2019 regarding her financial instability, inability to co-parent and
14 dependence on Ms. White).

15 2. Exhibit (A true and correct copy of a letter to Robert Thompson,
16 Director DHSS).

17 3. Exhibit (A true and correct copy of texts between Ms. White and
18 Plaintiff's mother, Ms. Annette Sterling-Jones, regarding inconsistent contact
19 with grandchildren).

20 4. Exhibit 1A (A true and correct copy of a picture of the envelopes
21 addressed to the Plaintiff and Defendant.)

22 5. Exhibit 1B (A true and correct copy of the Notice of Entry of Order
23 filed March 30, 2021 with the Order for Return of Children attached).

24 6. Exhibit 1C (A true and correct copy of the Order from the February
25 24, 2021 Hearing filed March 29, 2021).

26 7. Exhibit 1D (A true and correct copy of the Co-Parenting App
27
28

1 messages).

2 8. Exhibit 1E (A true and correct copy of the Minutes from February 14,
3 2020).

4 9. Exhibit 1F (A true and correct copy of a timeline of events and
5 messages between Ms. White and Plaintiff and messages from Plaintiff stating
6 she will not follow the Court Order until it was validated, denying visitation and
7 moving to an un-disclosed visitation).

8 10. Exhibit 1G (A true and correct copy of the Substitution of Counsel
9 filed January 5, 2022).

10 11. Exhibit 1H (A true and correct copy of Ms. White's email messages
11 with the Legal Aide Center requesting help and advising attorney is
12 unresponsive).

13 12. Exhibit 1I (A true and correct copy of the Protective Order for the
14 Children filed December 7, 2021).

15 13. Exhibit 1J (A true and correct copy of messages between Plaintiff and
16 Ms. White after retrieving two (2) of the three (3) minor children).

17 Dated this 17th day of January, 2022.

18 LAW OFFICE OF JULIO VIGOREAUX, JR.

19 By: /s/ Julio Vigoreaux, Jr.

20 Julio Vigoreaux, Jr., Esq. SBN 15347

21 Law Office of Julio Vigoreaux, Jr.

22 400 S. 4th Street, Suite 500

23 Las Vegas, NV 89101

24 Phone: (702) 483-8298

25 Facsimile: (702) 446-9648

26 Email: jvigoreauxlaw@gmail.com

27 *Attorney for Intervenor, Kimberly White*

28 *In an unbundled capacity*

1 **CERTIFICATE OF SERVICE**

2 I declare under penalty of perjury, that a true copy of the foregoing **Exhibit Appendix in**
3 **Support of Intervenors Opposition to Plaintiff's Emergency Motion for Stay of Order for Return**
4 **of Child and Plaintiff's Emergency Ex Parte Motion for Stay of Order for Return of Child and**
5 **Countermotion for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt**
6 **of Court Pursuant to NRS 1.20(3), NRS 22.100, and NRS 22.110; For the Court to Find Plaintiff**
7 **Guilty of Child Abduction; For Immediate Return of the Remaining Minor Child to Las Vegas,**
8 **Nevada; For Attorney's Fees and Costs; and Related Relief** was served through Odyssey E-fileNV,
9 pursuant to EDCR 7.26 to the following:
10

11 MARK J. McGANNON, ESQ.
12 Nevada Bar No. 005419
13 McGANNON LAW OFFICE, P.C.
14 5550 Painted Mirage Rd., Suite 320
15 Las Vegas, NV 89149
16 Telephone: (702) 888-6606
17 Facsimile: (725) 502-2376
18 E-mail: mark@mcgannonlawoffice.com
19 Attorney for Plaintiff,
20 Tamika Beatrice Jones
21

22 Dated this 17th day of January, 2022.
23
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28

_____/s/ Kristy Young_____
KRISTY YOUNG

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EXHIBIT 1



Tamika

Ok.. u.. 3/1/2020 11:11

Ok.. thank u..

Thank you! 3/1/2020 11:14

Car off the table?? What
do u mean??





Tamika

Yes. When are u guys
leaving.??

I guess he gotta do uber. He
cusses me out driving my
car and tell me to hurry the
fuck up.

Aug 21, 2018 10:01 AM

Aug 21, 2018 10:01 AM

I keep asking when ur
leaving. No response. My





Tamika

I keep asking when ur leaving. No response. My hair sal8n is doing kids hair free tomorrow. But gotta be there at 1. Xykie can get his hair cut too.

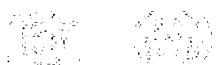
You can get the uniforms today or tomorrow.

Mon, Aug 2, 7:56 PM

I meant the free hair styles are tomorrow... i thought u were going to Laughlin.??

Ok.

Mon, Aug 2, 7:57 PM





Tamika

Ok. U guys have his swing
over there already.

Let me know when ur
coming.

Can u please get my wic
card.??





Tamika

I miss my kids sooooo
much.....

I only rcvd Xykie.



#DAP ON EM MY LUV

My GORGEOUS

Wheres Xionne.???

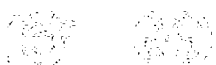
Sun, Aug 4, 2019 1:41

Sun, Aug 4, 1:44 PM

Can u ask ur son what did
he do with my Roku.???

Sun, Aug 4, 1:48 PM

Wanted to talk to my babies





Tamika

Sun, Aug 4, 10:31 PM

Wanted to talk to my babies
b4 they go to bed.

Mon, Aug 5, 7:49 PM

Can you please get my wic
card.??? Your son is using
my benefits and i need my
stuff for my house...

Mon, Aug 5, 8:45 PM

I keep tryin to call. No use.

U know he's not. Im
depending on YOU. That i
talk to them and get nice



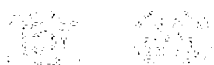


Tamika

U know he's not. Im
depending on YOU. That i
talk to them and get pics.

Dont worry about it.

I didnt know u guys were
gone...





Tamika

K. When are u comin
back.??

Ok..

Lol.

Thu, Aug 6, 11:21 AM

Good morning.. yes im here.

Awww.. thanks ma. I love u
too..

How are u guys.??

Fri, Aug 8, 11:11 AM





Tamika

Seen Aug 7, 3:22 AM

Gotta have a loooong talk
with u... im ready to move





Tamika

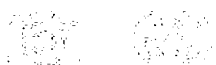
Gotta have a loooong talk
with u... im ready to move
out this place..

Not sure if its ok. But
wanted to know if i can
come over there.

Wed, Aug 7, 8:15 PM

I try to talk to my kids.
Doesnt work. I ask for pics.
Dont work. Tried to go over
to see them cuz i thought u
came back. That dont even
work. Not sure what to do.
Where is Chris with 3
kids.??? He didnt answer
the door and the dogs were
running around in the
house.

Thu, Aug 8, 1:22 PM





Tamika

Thu, Aug 6, 11:12 AM

He said he would. Yea i
went over there cuz i
couldnt reach no one.. so
cried myself to sleep.. i just
wanna see them and talk to
them..





Tamika

I owe leasing 600.. dont have it.. thats why i wanted to talk to u about me coming over there for a while..

Yea i know. I cant stay there the remainder of this mo.. i asked my neighbor and a coworker. I cant go to their place.

Cant afford to move.

But ok.

He was just at the house





Tamika

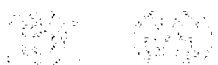
But ok.

He was just at the house recently. I didnt stab him.

I just want to focus on working and being with my kids.

Lease been up since june.

I told u a few few times...
just been mo to mo... i need
to go ASAP..... I cant afford
to give them the rest of rent.





Tamika

Ok. I wanted to pick the kids
up after i got off tomorrow
but Chris wont let me.



Tamika

I got my check yesterday. I put food in my house. I dont want to see them.. i want them to spend the wknd with me.

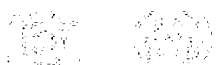
I can just have my coworker bring me to pick them up. Can u please have them ready after u get home.??



Tamika

Im fine.

Talking to my mom.



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EXHIBIT 2

Exhibit 2: FW Email communication with Robert Thompson, Director DHSS

Kimberley W <kwhite_writer@hotmail.com>

Mon 1/17/2022 1:24 AM

To: Kristy Young <secretaryjvigoreauxlaw@gmail.com>;

Kimberly White, RN, BSN, MSN, NP-c, DNP

From: Kimberley W <kwhite_writer@hotmail.com>
Sent: Thursday, December 23, 2021 11:41 AM
To: undefined <jvigoreaux@gmail.com>
Subject: EMAIL 4 Fw: Jones fraudulent filing for SNAP etc

Kimberly White, RN, BSN, MSN, NP-c, DNP

From: Robert Thompson <rthompson@dwss.nv.gov>
Sent: Monday, September 30, 2019 4:54 PM
To: Kimberley W <kwhite_writer@hotmail.com>
Subject: RE: DWSS Issue

Thank you for the feedback.

I wish you and your family the best.

Robert Thompson,
Deputy Administrator
Nevada Department of Health and Human Services
Division of Welfare and Supportive
Services Direct Line: (702) 631-2074

From: Kimberley W <kwhite_writer@hotmail.com>
Sent: Monday, September 30, 2019 3:25 PM
To: Robert Thompson <rthompson@dwss.nv.gov>
Subject: Re: DWSS Issue

Mr. Thompson,

Thank you for intervening on my family's behalf. I have heard from the director and I'm hopeful that everything is going to be resolved. I really appreciate everything you did.

Christopher Judson

From: Robert Thompson <rthompson@dwss.nv.gov>

Sent: Friday, September 27, 2019 8:05 AM

To: Kimberley W <kwhite_writer@hotmail.com>

Cc: Tracy Pierre <tpierre@dwss.nv.gov>; Shelly Aguilar <SAGUILAR@dwss.nv.gov>; Sarah Reber <SREBER@dwss.nv.gov>; Donna Stanley (DWSS) <DSTANLEY@dwss.nv.gov>

Subject: RE: DWSS Issue

Mr. Judson,

I am currently in Washington DC on state business and do not have access to the Division of Welfare and Supportive Services data base, thus I am unable to review your case. I have forwarded your email to the DWSS Customer Services Officer with a request for someone to review your case and reach out to you as soon as possible to address your concerns.

Robert Thompson

Deputy Administrator

Nevada Department of Health and Human Services

Division of Welfare and Supportive Services

Direct Line: (702) 631-2074

From: Kimberley W <kwhite_writer@hotmail.com>

Sent: Thursday, September 26, 2019 7:16 PM

To: Robert Thompson <rthompson@dwss.nv.gov>

Subject: DWSS Issue

Christopher C Judson
8447 Sequoia Grove Ave
Las Vegas, NV 89149
702-788-7977
SSN: XXX-XX-XXXX
kwhite_writer@hotmail.com

9/26/19

Mr. Robert Thompson

Deputy Administrator, Division of Welfare and Supportive Services

Department of Health and Human Services

Mr. Thompson:

I'm contacting you as a means of last resort. I applied and was granted SNAP benefits. Suddenly and without notice, by benefits stopped. When I contacted DWSS, I was told my ex-girlfriend, Tamika Jones called and switched the benefits into her name therefore, my case was closed.

I'm a single father of three. I recently lost my job when the plant I worked for closed. I found out while on 15-week FLMA after the birth of my third child. Ms. Jones and I split up and I took the children with me. This is when I applied for assistance with DWSS.

After three weeks, Ms. Jones embarked on a campaign of vengeance, including trying to abduct the children from school, blocking my WIC, and later I would find my benefits had been stopped through her phone call to DWSS.

Subsequently, I filed for physical custody and I was granted joint, physical custody on 9/19/19 at an emergency hearing; Ms. Jones see the kids on weekends. I returned to DWSS on 9/26/19 to have my benefits reinstated. I spent several hours in the Decatur office today with the final verdict being: Ms. Jones has the children on the weekend, therefore she gets to keep the benefits. I'm not eligible since Ms. Jones has benefits. She works full time and has the children two days/week. I'm currently unemployed and have the children five days a week.

I'm at a loss. I filed for a second hearing today. I formally filed a fraud claim. I don't relish getting assistance, but for now my children desperately need them. I understand my situation is a little unusual—a single father taking custody of three young children. I spoke with too many lawyers, case workers, and others who immediately doubted my story. I often hear, "You have custody of the three-month-old baby?" Then I'm dismissed. I don't know what to do next. I need your assistance in this matter. I've done everything asked of me. I've provided every document requested. I've gone to court and won physical custody of my children.

I decided to write this letter when I read the Division of Welfare and Supportive Services mission statement *to engage clients, staff, and the community to provide public assistance benefits to all who qualify and reasonable support for children with absentee parents to help Nevadans achieve safe, stable, and healthy lives.*

Any assistance you can offer is greatly appreciated. I need to tackle this hurdle, knowing my children won't go hungry and without health insurance so that I can focus on finding a new job to support my family.

Sincerely,
Christopher Judson

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EXHIBIT 3

Conversation between Kimberley's phone (+1 (702) 534-9692) and 3135736827

[11/28/2021 8:37 AM] 3135736827: Kim this is Annette

[11/28/2021 8:38 AM] 3135736827: Can I talk to my grandchildren?

[12/3/2021 6:16 AM] 3135736827: I would like for you to take a closer look at what this is doing to all of us as grandparents. Mr Judson along with Mario Jones and I are not happy with how you have interrupted our grandchildren like this. They are not your children you are cutting these children away from their parents. This is what you did to Mr. Judson. No matter how this ends you are showing a pattern of mental instability towards these children Farther and Grandfather. First Mr Judson now Chris. Face yourself bitter lonely big house empty rich with money that can't buy you love two half dead parents no life in them. All you have left is the further destruction of this family. It does not please you that Chris and his farther has no relationship no let's destroy his children and their farther too right Kim with a small k. Look at what you have done and yet is doing all because you could not forgive Me. Judson. We

are not the pages in your book you will not destroy my family like this my mind says prepare to fight you bring the money and I'm bringing the righteousness. Money can't buy love the wicked shall not prosper over the righteous. You would have been better off at the bottom of the sea with a mill stone around your neck than to come after the JUDSONS JONESES AND THE STERLINGS.

[12/3/2021 12:34 PM] 3135736827: Let me tell you something Kim when you had my grandkids for 7 years none interruption no support apps I did not interfere at all. As much as I wanted to take my precious grand daughter and run forever after begging GOD to let her be a girl and she was I did not. All because of You. Because this was all new to you and I had 4 grand children in front of her. I wanted you to experience the joy of being a grandmother and this is what you do. You really think because you got money and a dirty heartless lawyer like you that you will get away with this I promise you on my death bed you will not you are going to learn just like your boy trump your lies your deceit your bitter heart your dead sex life your dead desire to be loved with nothing left but Chris children so you can destroy his children the same way you destroyed him and his farther won't be happening the third time around. This co

parenting will not be happening. You are sick you are derange. So what you do is lock that app in good the only one who will be using it is you. You cancel me out. Just like my daughter I've done nothing to you you have no right to cause all this mental and medical stress upon me and my family knowing Mario has underwent double brain surgery and had a double stroke. His blood pressure won't go down. You see where this is going. All those alphabets behind your name you going to need them when I'm done with you you and your parents will be working 9 to 5 til your dying days. You had no rights to take my grand kids away like this. So keep working because retirement looks good over here

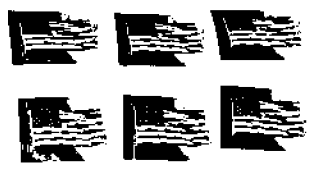
[12/3/2021 12:38 PM] 3135736827: <Attachment>

5 total messages

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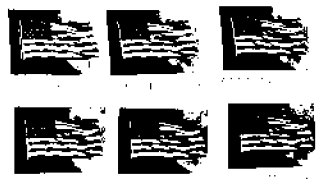
EXHIBIT 1A

RECEIVED LIAISON OFFICE
FORT S. FORT APACHE RD
Suite 100
LV, NV 89115



Christopher Salsen
8447 Scavina Ave
Las Vegas, NV 89115

RECEIVED LIAISON OFFICE
FORT S. FORT APACHE RD
Suite 100
NV 89115



Tamika Jones
4730 E Craig Rd
Apt 2088 Bldg 15
LV, NV 89115

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EXHIBIT 1B



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 **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.

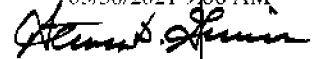
11 **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email
12 address(es) of the individual(s) listed below.

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

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.
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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

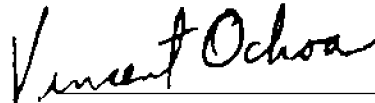
18 IT IS FURTHER ORDERED that any and all law enforcement personnel, of
19 Nevada or any other jurisdiction, including Detroit, Michigan, are authorized and
20 directed to assist the children's grandmother Kimberly White in obtaining physical
21 custody of the minor children and their belongings, clothing 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

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EXHIBIT 1C

Heather S. Hume

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

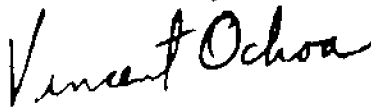
24 **3. IT IS FURTHER ORDERED** that a pick-up order is ISSUED asking the
25 law enforcement in Nevada and Michigan to assist. No arrest or warrants
26 language shall be in the pick-up order. Once the children are back in
27
28

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

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EXHIBIT 1D



tails

Agreement

7:42 PM

Hi, I'm sorry I didn't get your message. I'll be sure to get it done as soon as I can. I'll be sure to get it done as soon as I can.

3:29 PM

Sunday?? I'm sorry. Did not receive it. As soon as they can

Tamika
3:30 PM

Hi, I'm sorry I didn't get your message. I'll be sure to get it done as soon as I can. I'll be sure to get it done as soon as I can.

3:32 PM

Thank you

Tamika
3:33 PM

Today

Hi, I'm sorry I didn't get your message. I'll be sure to get it done as soon as I can. I'll be sure to get it done as soon as I can.

10:18 AM



Send message...

704



tails Agreement

counsel get in touch with my
counsel.

Tamika

6:29 PM

6:45 PM

With everything you did to me? I would not give you any of my information! I don't trust you! I could have sworn you had all the credentials and all the education to be a doctor! But you can't clean an impacted ear?? Well us hoodrats know how to do that!! This is why you don't need my children! They definitely did not leave with impacted ears! So once again have whom ever your recent lawyer is call mine. I'll be calling you around 7:10 your time if I don't receive a call from you at 7pm.

Tamika

6:52 PM



Send message...

705



tails

Agreement

13-Dec

9:09 AM

9:12 AM

Ma'am the judge told you not to make medical advises for my children. You temporary sole physical custody, not legal or full! So you are not allowed to take my children to a doctor's office nor are you allowed to give any medications. I would like to talk to my children in 30 minutes! Please have Lynn or your new counsel get in touch with my counsel.

Tamika
6:29 PM



Send message...



tails

Agreement

7:52 PM

13-Dec

9:00 AM

Hi, I am sorry to hear that you are having a difficult time. I am not a therapist, but I can offer some advice. I would suggest that you talk to a therapist who can help you with your feelings. I am not a therapist, but I can offer some advice. I would suggest that you talk to a therapist who can help you with your feelings.

9:03 AM

I DID NOT CONFIRM FOR MY CHILDREN TO SPEAK TO A THERAPIST OF YOUR CHOICE!! YOU WERE TOLD NOT TO MOVE FORWARD WITH ANY TYPE OF MEDICAL ACTIVITIES OF MY CHILDREN!!!

Have your lawyer call my lawyer on this situation

Tamika
9:07 AM

13-Dec

13-Dec

9:09 AM



Send message...

707



tails

Agreement

12/10/2019

10-Dec

Not sure if you understood my request. So I'll say it AGAIN..
Monday- Friday I want to talk to my children at 7pm your time.
On the wknds I want to talk to my children at 12pm and 7pm.
Why didn't I talk to my kids last night???

Tamika
3:42 AM

Can I please talk to my children at 7pm your time tonight???? I would like to talk to my children every day. Please and thank you

Tamika
5:47 PM

12-Dec

Kim can I please talk to my children???? Why do you keep banning me from talking to my children??? What is your reason for not allowing me to talk to them since Wednesday???

Tamika



Send message...



tails

Agreement

7:47 AM

I def will buy the toys he wants for Christmas. Not a problem. But I am NOT comfortable with my children going in and out of random people houses cleaning!! I want that to STOP ASAP. Also please DO NOT get my children vaccinated! I have not made that decision seeing as though children have just got approved.

Tamika

10:38 AM



Send message...

709



tails Agreement

Tamika

6:29 PM

With everything you did to me? I would not give you any of my information! I don't trust you! I could have sworn you had all the credentials and all the education to be a doctor! But you can't clean an impacted ear?? Well us hoodrats know how to do that!! This is why you don't need my children! They definitely did not leave with impacted ears! So once again have whom ever your recent lawyer is call mine. I'll be calling you around 7:10 your time if I don't receive a call from you at 7pm.

6:45 PM

With everything you did to me? I would not give you any of my information! I don't trust you! I could have sworn you had all the credentials and all the education to be a doctor! But you can't clean an impacted ear?? Well us hoodrats know how to do that!! This is why you don't need my children! They definitely did not leave with impacted ears! So once again have whom ever your recent lawyer is call mine. I'll be calling you around 7:10 your time if I don't receive a call from you at 7pm.

Tamika

6:52 PM



Send message...

710



tails

Agreement

13-Dec

9:09 AM

9:12 AM

Ma'am the judge told you not to make medical advises for my children. You temporary sole physical custody, not legal or full! So you are not allowed to take my children to a doctor's office nor are you allowed to give any medications. I would like to talk to my children in 30 minutes! Please have Lynn or your new counsel get in touch with my counsel.

Tamika
6:29 PM



Send message...

711



tails

Agreement

12/13/2020

12/13/2020, 9:00 AM

9:00 AM

Hi, I am sorry to hear that you are having trouble with your children. I am not a therapist, but I can offer some suggestions. First, it is important to establish a routine for your children. This can help them feel more secure and predictable. Second, it is important to set boundaries for your children. This can help them understand what is acceptable behavior. Third, it is important to be consistent with your discipline. This can help your children understand the consequences of their actions. Fourth, it is important to be patient with your children. They are learning and growing, and it takes time. Finally, it is important to seek support for yourself. This can help you manage your own stress and emotions.

9:03 AM

I DID NOT CONFIRM FOR MY CHILDREN TO SPEAK TO A THERAPIST OF YOUR CHOICE!! YOU WERE TOLD NOT TO MOVE FORWARD WITH ANY TYPE OF MEDICAL ACTIVITIES OF MY CHILDREN!!!

Have your lawyer call my lawyer on this situation

Tamika
9:07 AM

13-Dec

12/13/2020, 9:07 AM

12/13/2020, 9:07 AM

12/13/2020, 9:07 AM



Send message...

712



tails

Agreement

10-Dec

Not sure if you understood my request. So I'll say it AGAIN..
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Why didn't I talk to my kids last night???

Tamika
3:42 AM

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Tamika
5:47 PM

12-Dec

Kim can I please talk to my children???? Why do you keep banning me from talking to my children??? What is your reason for not allowing me to talk to them since Wednesday???

Tamika



Send message...

713



tails Agreement

Can I please talk to my children??

Tamika
9:07 PM

8-Dec

Mondays 7pm your time

Tamika
3:30 AM

I meant Monday through Friday
7pm on the wknd 12pm and 7pm

Tamika
3:40 AM

12:11 AM

Thanks

Tamika
5:54 PM

5:53 PM



Send message...

714

**PLEADING
CONTINUES
IN NEXT
VOLUME**