IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 15 2023 03:46 PM
Elizabeth A. Brown
Clerk of Supreme Court

KIMBERLY WHITE,
Appellant(s),

vs.

TAMIKA BEATRICE JONES,
Respondent(s),

Case No: D-19-594413-C

Docket No: 86500

RECORD ON APPEAL
VOLUME
5

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

Docket 86500 Document 2023-19040

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encounter, T76.02XA (ICD-10) (Active).[1]

To provide this Court with a better understanding of the children's behaviors and statements when they were placed in Kimberly's care in November of 2021. Xaia was very depressed. She would only provide one word answers, she was barely speaking and had a very flat affect. She would constantly repeat "I'm sad. I'm always sad. I'm sad about family stuff."

Xy'Shone exhibited extreme anxiety when he had to speak with Tamika, on the phone and following the calls he would have horrible nightmares that Kimberly would spend significant time calming and soothing him and assuring him that he was safe and everything was going to be alright.

As time passed, the children disclosed abuse issues with their family in Michigan describing them as "brutal" and the children were fearful believing that"they're going to kill us." Again, just one more issue that caused her very serious concerns of whether the children were safe and whether there will come a time when she receives a dreadful call that something very bad happens to one, or all, of the children, or that one, or all, are dead.

After the children began therapy and they were discussing some of these issues, the therapist suggested working with Kimberly to come up with a reasonable telephone schedule that would benefit the children and be in their best interest, rather than Tamika forcing Kimberly to acquiesce to her unreasonable demands of multiple phone and/or video

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[1] *See* Exhibit A (January 17, letter from Jazmine Lopez, LSW, CSW-Intern from Hope Counseling).

calls each day. Kimberly reached out to Tamika to notify her that the therapist was working with the children to arrive at a schedule that would be in their best interest – Tamika's response was to restate her demands and inform Kimberly that she had no right to take the children to a therapist. Ultimately the therapist advised Kimberly to limit calls to occurring when the children requested to speak to Tamika and to implement a schedule that would not cause them undue anxiety or to make them upset.

As clearly stated in the therapist's letter, Xy'Shone was very concerned during the entire time he was in Las Vegas for the safety and well being of his baby brother who remained in Tamika's care.

It was not until January of 2022, immediately before the children were ordered to return to Tamika's custody that both Xy'Shone and Xaia reported being beaten by a "switch" which left scars.

Kimberly believes that the investigation referred to in this letter is that what was reported to CPS in Michigan, after retrieving the children.[2] To the best of Kimberly's recollection, Michigan did not close the case, however, they were not actively conducting their investigation after she reported the allegations, sent pictures of the abuse, and

[2] To the best of Kimberly's knowledge there may be at least two reports to CPS in Nevada, as she was advised to make a report in January, as she was finding out information, however, she believes that because the allegations stemmed from incidents in Michigan, Nevada did not proceed with an investigation and she believes there is at least one other CPS allegation previously in Nevada, from 2019. Counsel will attempt to get Mr. McGowan to sign a Stipulation for the Court to request the CPS records, as it is very difficult for counsel to receive subpoena responses directly from the agency, as this Court is aware.

informed the investigators what the children were reporting of abuse and neglect they were encountering by the Mother, Maternal Grandmother, and Maternal Aunt – whom Kimberly believes were all residing with the children – at that time – and have continued residing with the children since they were returned to Tamika's custody.[3]

Xaia was also seen by the therapist and diagnosed with anxiety, however, was not as bad as Xy'Shone. Kimberly was in the process of getting Xaia in to regular appointments, as recommended by the therapist around the time that Kimberly was ordered to return the minor children to Tamika. Kimberly does not believe that Tamika followed through with any therapeutic services for Xaia.

Kimberly also wants to ensure that the children continue receiving therapeutic treatment to resolve their diagnosed, and any additional issues, including their food insecurity, which she was informed if the children continued exhibiting signs what they would need additional counseling to assist them with this issue.

The therapist recommended that the child may require further counseling to address their issues with food insecurity

Kimberly believes that, as the children's mother, Tamika should have immediately recognized the fear and anxiety both of the older children were exhibiting and she should have enrolled the children in therapy when they were in her care – that never happened.

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[3] *See* Exhibit B (Two of the pictures that Kmberly sent to CPS, which show what appears to be abuse that the children encountered). Due to scanning the pictures they may not be clear, if the Court is not able to see the injuries the children sustained, counsel can produce color photographs to this Court and Mr. McGanon.

Kimberly does not believe that she has enrolled them in any therapy since they returned and she believes that the reason Tamika is failing the child by not ensuring that their mental health and well being is taken care of is out of fear of what the children may report to a therapist of the dangers and possible abuse that they are receiving in Tamika's care and by the household members she and the children reside with, which causes Kimberly grave concern and leads to her belief that it is detrimental to these children's health and welfare, and not in their best interest to remain in her care.

2. Medical Issues for the Minor Children

During the time that the children were in Kimberly's care from Nevada of 2021, through January, 2022, she became very alarmed when Xy'Shone reported that he was experiencing bilateral leg pain caused by falling off a roof at his aunt's home. Kimberly also noticed that he was walking abnormally. Based on this Kimberly sought medical care to make sure the child was not injured. Xy'Shone underwent a physical assessment and a treatment plan was created, which included a referral for physical therapy. Unfortunately, Kimberly was not able to take Xy'Shone to begin physical therapy as she was ordered to return him to Tamika's care.

The fact that Tamika was aware of this incident, which Kimberly believes occurred a significant period of time – close to a year – before she retrieved Xy'Shone, and yet failed to even take him to see a doctor, or make anyone aware of the situation is uncalled for and simply medical neglect. The fact that Xy'Shone has needed physical therapy for over a

year and Tamika is most likely completely unaware and unconcerned with the pain he is in and that he walks abnormal. The children should not be forced to live under these conditions. It's not only unacceptable and unfit parenting – it amounts to abuse and neglect.

On January 12, 2022, Kimberly also took Xaia to the dentist as she fell at school. During the appointment, several cavities were discovered. Kimberly does not believe that Tamika takes proper care of the children's dental needs, as she is unsure that Xaia has been to a dentist since she was a toddler. Xy'Shone has never went to a dentist, and Kimberly is unsure whether Xionne has ever been to a dentist appointment, however, doubts the likelihood.

Xaia's asthma was acting up and Kimberly requested the copy of the insurance card, initially, to obtain inhalers – Tamika refused to respond to this request.

The two children both ended up with ear impactions. Kimberly informed Tamika that the children had ear impactions from lack of cleaning and she was requesting a copy of their insurance cards and Tamika's home address. The response from Tamika – rather than concern and questions about the children's health and welfare – consisted of blame; derogatory statements and comments about Kimberly; her refusal to provide the insurance cards; and her refusal to respond to Kimberly's request for her address.[4]

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[4] *See* Exhibit C(Text messages regarding phone calls and medical issues regarding their insurance and health care issues that Tamika refused to assist with). These text messages were previously produced by Kimberly in her Opposition to Tamika's motion to stay the order which was heard in January, 2022. However, due to the amount of text messages that were produced

Xy'Shone's impacted ear, which was the worst of the two, and needed extra care was caused from a qtip being stuck in his ear several weeks prior to him being placed in Kimberly's care.[5]

Due to the short visitation that Kimberly had with the children during their spring break she is aware that these children are not okay. All of their fears and behaviors that were exhibited and provided to this Court when Kimberly was finally able to obtain assistance from law enforcement and retrieve the two oldest children were obvious during her visitation. Unfortunately, the children are not willing, or allowed, to discuss their concerns; they are not allowed to be themselves and it is apparent that there is absolutely something being hidden. Kimberly viewed marks on Xy'Shone, which appeared to be burns – which caused her grave concern, however, the burns or injury were on his body and the entire time that he spent with Kimberly he refused to remove his coat, therefore, she was not able to take photographs and when she tried to get Xy'Shone to speak to her he completely shut down and refused. There is something going on and her concerns stem back to prior conversations she had with both older children when they alleged abuse and informed her that they would get in trouble if their mom knew they were telling her things. She and XyShone have always had a very, very close relationship as she has been his primary caretaker and has provided the only stability he knows throughout his life. They were

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counsel only used the relevant texts to the issues discussed in this Opposition.

[5] *See* Exhibit D (Notes from the doctor's visit for Xy'Shone's appointment).

always inseparable and he always knows that he can discuss anything with his Granny and she will protect him – as stated in his child interview report. however. this is not at all how he acted during his visitation .

Tamika made the exchange extremely difficult for Kimberly to the point where she threatened multiple times that she was not going to allow Kimberly to take the children and exercise her visitation. All of this was stated at the police station which is the location as Tamika refuses to provide her address to this Court, or Kimberly – despite it being a requirement of this Court. Since retaining Mr. McGanon, Tamika is using his address as a shield to attempt to keep her from providing the actual address the children are residing. Mr. McGanon has never filed a Notice of Change of Address on her behalf and when Kimberly requested, informally. to be provided it, Mr. McGanon will only provide his office address.

3. Brief Recitation of the Issues that Kimberly Is Aware that Amount to Abuse and/or Neglect

* Tamika leaves the children alone with her sister, Talisha Jones, who in 2016 was in a fight with Tamika. leaving her severely beaten and was arrested for the incident.
* Approximately a year ago. Xy'Shone was allowed to pay in a dangerous environment when he was at Talisha Jones' home and fell from the roof. with no medical care or treatment for his injuries causing damage that resulted in his needing physical therapy.

* Upon information and belief, Kimberly does not believe that Tamika regularly uses a car seat for Xionne, who is two years old, or a booster seat for Xaia, who is six years old.
* Lack of ability to provide food for the children in which the children's school sent food home when the children informed someone that they had no food at home. This has caused both Xy'Shone and Xaia to hide food; and exhibit meal anxiety where they appear to not be able to get enough food to eat.
* Lack of ability to provide stable housing for herself and the children. After abducting the children a year ago, Tamika moved between hotels and from house to house, sleeping on sofas. One of the places they stayed at was overrun by bugs for a short time. To the best of Kimberly's knowledge, Tamika has still not secured a stable home.
* The children reported beatings by Talisha Jones, their aunt, with a switch and informed Kimberly that the scars on Xy'Shones hip and Xaia's knees were caused by the beatings.
* Both Xaia and Xy'Shone reported a bearting by their maternal grandmother and Tamika related to a missing jacket which was later found in the laundry. The children discussed the severity of this incident and described hearing Xaia shrieking and screaming with their therapist.
* Diagnoses by the therapist of each child based on the behaviors they were exhibiting

such as Xy'Shone's major changes in behavior, i.e. withdrawn, avoiding coping mechanisms, sleep issues (both trouble falling asleep and staying asleep; and severe nightmares).

* Xy'Shone's last report card from Ferndale Elementary School stated that he does not express himself in his art. Prior to this, expressing himself through his art was his coping therapy. This should have alerted Tamika that something was wrong with him and caused her to immediately intervene and get him the help he needs.

* The children are left in the care of Xy'Shone who has to walk Xaia home from school through a neighborhood with safety issues.

Kimberly believes that the following instances would be classified as emotional abuse:

* Xionne, at two to three years old, should be able to articulate between 500 and 900 words and speak in sentences, however, he barely says any words at all.

* Alienation of the affection from great grandparents; grandmother; and other extended paternal family members.

* Repeatedly telling Xy'Shone that he doesn't have a brain.

* Telling the children that she should put them up for adoption.

* Brainwashing and manipulating the children by making them to make false statements such as Xy'Shone lying about Kimberly trying to kill him; coupled with extended maternal family members making untrue statements to the children about their paternal family in order to alienate affection toward the family.

* Immediately removing all of the children's toys when they returned from Nevada. which included their Christmas and birthday gifts because their grandmother did not want them in her house.
* Refusing to improve Xy'Shone's self image by taking him to a dentist to reduce his self consciousness about his teeth. When he was in Nevada, Kimberly bought him a teeth whitening set which Tamika threw away immediately upon his return to her custody.

4. Issues with Spring Break Visitation

On. or about. March 22, Tamika started raising issues and making excuses about potentially not releasing the children to Kimberly for her spring break visitation which was ordered to begin on March 26. Among these excuses. Tamika was making very unreasonable demands such as that Kimberly was required to provide Tamika a list of each and every person the children may possibly encounter or spend time with during her visitation, along with their contact information. She also began demanding a list of a daily schedule listing everything Kimberly intended to do with the children. and a detailed list of each and every place Kimberly intended to take the children with addresses.

This is not what the Court ordered. Kimberly complied with the Court's orders and provided Tamika the information she was ordered to provide but refused to her unreasonable demands. Tamika was so demanding that in order to resolve some of the issue, Kimberly just agreed to spend her week visiting the children in Detroit.

When they arrived at the police station. Tamika caused a scene and informed her that unless Kimberly acquiesced with the demands, as stated above, Tamika was not going to release the children. This caused a scene and was extremely unhealthy for the children, which did not affect Tamika.

Ultimately Kimberly left the police station with all three children to begin what she believed would be a much different spring break. Most noticeable, and concerning, was Xy'Shone, as he refused to speak with Kimberly or be alone with her during the visit. He wore a coat and refused to take it off – he slept in it. Kimberly could not get him to remove his coat at any time that week. After finally getting Xy'Shone to remove one arm from his coat, she remarked about a burn scar on his right forearm, immediately thereafter his arm was put back in the sleeve of his coat and he refused the rest of the visit to remove his coat.

Also concerning was Xionne, who is two years old, and Kimberly has not seen for almost a year and a half, as he was not as verbal as expected. He only made grunting noises and pointed instead of speaking words. Kimberly focused a lot of her attention to working with him during the week and there was a rapid increase in his vocabulary during that time. This was shocking to Kimberly after raising Xy'Shone and Xaia and remembering Xy'Shone being able to read at three years old and that Xaia was counting and knew her alphabet by the time she was two years old. This breaks Kimberly's heart as she is well aware that no one is spending time and working with this child, in Tamika's care.

During the visit Kimberly became alarmed when Xaia said she sleeps with Big

Xy'Shone and another male cousin. She would not provide any additional information as to who the male is or his age.

At the end of the visit. Tamika sent a girl to pick up the children. When they saw her the children seemed very uneasy big and Kimberly realized it was Talisha Jones, Tamika's sister whom the kids accused of beating them.

Since the children returned to Michigan in January. Kimberly's calls have not occurred as they are supposed to, if they occur at all. Tamika has prohibited Kimberly or her parents from speaking with the children and many times when they are allowed to speak to her it may be one or two – never all three. Many of the calls are 60 to 90 seconds and Tamika hangs up or disconnects the call. Kimberly has kept records of each call, or a log that the call did not occur, or the excuse Tamika had for not allowing the call to occur.[6]

This *Opposition* follows.

IV. OPPOSITION

A. Kimberly is Requesting that if Trial Is Continued She Be Awarded Temporary Physical Custody of the Minor Children

Counsel does not dispute that the Court can grant a Motion to Continue a Trial – for good cause. Here, however, based on Kimberly's concerns for the safety and well being of the minor children she is opposed to any continuance – for months on end. This trial was set months ago and she questions the reason that Mr. McGowan waited until the last

[6] *See* Exhibit E (Call Logs).

several weeks to request this continuance, as she believes he knew that by waiting it would most certainly cause an additional six, or more, month delay to these proceedings.

The main concern for Kimberly is the safety and well being of her grandchildren and for this Court, to hear the evidence that will be produced at trial to make the determination of whether remaining in the custody of Tamika is detrimental.

At this time, if this Court is going to grant Mr. McGowan's request to continue this trial. Kimberly is requesting that based on the information that is now before this Court, it award her temporary custody of the minor children. As the children will be on their summer break, and it is clear from Xy'Shone's interview that he wants to live with Kimberly, that she be awarded temporary custody to ensure that the safety and protection of these children is maintained.

Kimberly is requesting that if the Court does not have a full day trial, however, can find two half days to hear this matter, prior to the start of school, that the trial be briefly continued.

V. COUNTERMOTION

A. This Court Should Grant Kimberly's Request For Custody

This Court has the ability to make orders at any time, under NRS 125C.0045(1) which states:

NRS 125C.0045(1):

> 1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693,

inclusive, and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter, during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest;

[Emphasis Added].

Based on this, this Court can, and should, grant Kimberly's request to temporarily modify the current custodial orders to award her primary physical custody of the minor children pending the evidentiary hearing.

The Court should Order that Kimberly and Tamika share joint legal custody, however, if the children need medical care and therapy that Kimberly be allowed to continue to obtain it in order to meet the children's needs, as that is in their best interest.

While Kimberly is aware that parents have a fundamental right in the care and custody of their children[7], she is also aware that if the district court finds that the parent is unfit or that there are other extraordinary circumstances that result in serious detriment to the child, it can award custody to a third party.[8]

Kimberly is well aware that it is her burden to overcome the parental presumption, however, in this case she believes she can prevail.

Before awarding custody – legal or physical – to a nonparent, the district court must find that awarding custody to the parent would be detrimental to the child and the award

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[7] NRS 126.036(1). *See also Rico v Rodriguez*, 121 Nev. 695, 704, 120 P.3d 812, 818 (2005).

[8] *Litz v Bennum*, 111 Nev. 35, 38, 888 P.2d 438, 440 (1995).; NRS 128.018; *Locklin v Locklin*, 112 Nev. At 1495-96, 929 P.2d at 934.

to a nonparent is required to serve the best interest of the child.[9]

In making that decision, the district court must consider any one or combination of the *Locklin* factors, as follows:

1) ***abandonment or persistent neglect of the child by the parent.*** Tamika has been in and out of these children's lives for significant periods of time and Kimberly previously provided this Court a list of issues that have been ongoing that raise to the level of parental neglect. Kimberly believes that this Court can find that Tamika has abandoned and neglected these children throughout their lives.

2) ***likelihood of serious physical or emotional harm to the child if placed in the parent's custody.*** Again, Kimberly has provided this Court with photographic evidence and medical records of the serious physical harm the children have endured while in Tamika's care. A child falling off a roof is serious physical harm; beatings with a switch is serious physical harm, and even if Tamika did not beat the children herself, it is happening by her agent and the third party she is leaving the children in the care of while they are in her physical custody; and the scars that the children have from prior physical abuse they have endured. Kimberly has proof that both Xy'Shone and Xania have been diagnosed with mental health disorders and need therapy based on the trauma and emotional harm that has been caused while living in Tamika's custody.

3) ***extended unjustifiable absence of parental custody.*** Here Tamika left these children with both Kimberly and Christopher for significant periods of time.

4) ***continuing neglect or abdication of parental responsibilities.*** Tamika has never been able to provide the children stability and if it has not already been shown it will be shown that Kimberly has had to take on the parental responsibilities for the children. Kimberly is the one who worked with the older two to teach them their alphabet and how to read; Kimberly has made sure that they are getting an education; Kimberly makes sure that they have food, clothing, and shelter. On the other hand, Tamika has never been able to provide a home for the children – her history speaks for itself she moves from one short term housing to the next; she stays with family or friends in

---

[9] NRS 125C.004(1).

small units that are not large enough to house the amount of people residing in them; she has had the children living in bug infested units; the school has had to provide food for the children because Tamika is incapable of doing this for her children; Tamika has not been able to maintain steady employment; and she absolutely has not shown that she can take care of their medical needs.

5) ***provision of the child's physical, emotional and other needs by persons other than the parent over a significant period of time.*** Here, Kimberly has taken care of the children's needs since their birth. She has, for years, provided for Tamika's needs as well.

6) ***the existence of a bonded relationship between the child and the nonparent custodian sufficient to cause significant emotional harm to the child in the event of a change in custody.*** All three of these children have a bond with Kimberly, the youngest does not have as strong of a bond due to being withheld from contact with Kimberly for almost 18 months, however, she is well aware that the love and support she can provide him will quickly grow into a very strong bond. Kimberly and Xy'Shone are very close, although the last visit was somewhat strained. Kimberly believes that it is more than Xy'Shone is not getting the emotional help that he needs. She also has concerns that Xy'Shone shared information with her knowing that she would protect him and unfortunately, after the information was provided to Tamika through these proceedings, and shared with her family members, that Xy'Shone may have incurred some beatings. There is no other explanation for the drastic change in his behavior in a very short period of time. The interview which was just a few weeks before the spring break visit was clear that Xy'Shone wants to reside with Kimberly in Las Vegas. Kimberly is questioning what Xy'Shone was told would happen if he spoke to Kimberly or took his coat off and any injury would have been more exposed.

7) ***age of the child during the period when his or her care is provided by a non-parent.*** Kimberly provided care for these children for the majority of their lives.

8) ***the child's well being has been substantially enhanced under the care of the nonparent.*** Here, Kimberly has absolutely substantially enhanced the children's well being under her care. As stated previously Kimberly is the only one who can provide for the children housing, food, clothing, medical, dental, therapy, and anything else they need or will need in the future.

9) ***the extent of the parent's delay in seeing to acquire custody of the child.*** Tamika did not file for custody of the children until after her plot to open a criminal investigation against Kimberly or Christopher failed. Then she requested full custody of the minor children, which she lost.

10) ***the demonstrated quality of the parent's commitment to raising the child.*** Tamika has never demonstrated any such quality.

11) ***the likely degree of stability and security in the child's future with the parent.*** There is, realistically, no degree of stability and security in any of the children's future if they are left in Tamika's custody.

12) ***the extent to which the child's right to an education would be impaired while in the custody of the parent.*** Tamika did enroll the children in public school, however, as stated through pleadings and in the children's interview, Kimberly can provide the children a better educational experience. Kimberly further has concerns after spending spring break with the baby, that Tamika has no skills with which to ensure that the children's educational needs are met or that she will push the children to excel in their educational experience.

13) ***any other circumstances that would substantially and adversely impact the welfare of the child.*** Here, Kimberly believes that she has shown the Court through the examples that she previously provided the multitude of ways that the children's welfare has been substantially and adversely impacted in Tamika's custody.

In determining that the placement of the children in Kimberly's custody, the Court must look at the factors in NRS 125C.0035(4) as follows:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody. The only child who was of a sufficient age and capacity to form a preference as to his custody was Xy'Shone, who clearly wants to be raised by Kimberly. Although he wants to spend time with Tamika he is well aware that it is in his best interest to be placed in Kimberly's custody. Xy'Shone was very clear in the amount of time he wants to spend with everyone based on the circumstances that each party has provided him throughout his life.

(b) Any nomination by a parent of a guardian for the child. Based on the history, Kimberly nominates herself.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent. Here, Tamika has shown that she has no problem withholding these children for extended periods of time and not complying with Court orders to ensure that the children's relationship with Kimberly is maintained.

(d) The level of conflict between the parents. There is an increased level of conflict between Kimberly and Tamika, that was not always present. Kimberly does not see this improving if Tamika maintains custody of the children.

(e) The ability of the parents to cooperate to meet the needs of the child. Kimberly is the only party who has ever met the needs of the children.

(f) The mental and physical health of the parents. It does not appear that either party has mental or physical health issues.

(g) The physical, developmental and emotional needs of the child. These children all exhibit emotional needs. Kimberly is also concerned that the baby is undergoing developmental needs as well.

(h) The nature of the relationship of the child with each parent. The children are very close and well bonded with Kimberly. It is believed that the children love Tamika because of her being their mom, however, they do not trust her the way that they trust Kimberly. They do not have the same open relationship with Tamika and they have a safety and security with Kimberly that they do not share with Tamika.

(i) The ability of the child to maintain a relationship with any sibling. The children should all remain together.

(j) Any history of parental abuse or neglect of the child or a sibling of the child. Kimberly believes that the children are physically and emotionally abused by Tamika, as well as being severely neglected when they are in her custody.

(k) Whether either parent or any other person seeking 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. Tamika and her sister were involved in a domestic violence relationship where a beating and arrest occurred a few years ago.

(l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. Kimberly still believes that at the

time Tamika fled to Michigan, it was the form of an abduction and that, at that time, Christopher was unaware. This was also the second time that Tamika fled Nevada and abducted the children to Michigan.

Kimberly believes that this Court will find that almost every factor weighs in her favor and that it is in the best interest of this Court to grant her custody of the minor children.

As stated previously, Kimberly is requesting that if the Court does not agree with her, that she is granted permission to re-open her guardianship action.

B. Tamika Should be Found in Contempt of Her Refusal to Comply With Kimberly's Ordered Phone Contact

In the Order from the February 24, 2021, hearing, entered March 29, 2021, Kimberly was awarded phone contact with the minor children on Tuesday and Thursday evenings, at 6:00 pm. or 6:30 p.m., at Page 2, lines 15-18.

Since the children were returned to Tamika's custody, through April 26, Kimberly has had difficulty with compliance of this Order. There have been eight calls that have not occurred on the following days: February 8, 2022; March 1; March 3; March 8; March 15; March 24; April 5; and April 26.

Many of the other calls are limited to only speaking to one or two children and the duration is normally 60 or 90 seconds before Tamika terminates the call.

Not only is this behavior and the games Tamika is playing harmful to Kimberly, it is causing emotional damage to the children. The children want to keep and maintain their relationship and bond with Kimberly, yet Tamika interferes and makes every attempt to

terminate it.

Nevada Civil Practice Manual §2732:

Contempt and arrest. Disobedience of an order of the master or court in supplementary proceedings is contempt.

NRS 22.010:

Acts or omissions continuing contempts. The following acts or omissions shall be deemed contempts:

3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

NRS 22.100 Penalty for contempt.

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

3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

This Court previously stated that if Tamika continued to disobey it's Orders it would issue another pickup Order, that is what Kimberly is requesting in lieu of other sanctions, however, if the Court is not inclined to issue a pick up Order, Kimberly is requesting that this Court sanction Tamika appropriately, by awarding Kimberly a fine of $500 per count of contempt Tamika is found guilty of, and/or an award of attorney's fees for having her Orders violated once again.

C. Kimberly Should Be Awarded Attorney's Fees and Costs

This Court has the ability to award attorney's fees under NRCP 18.010, NRS 22.100, and EDCR 7.60.

With specific reference to Family Law matters, the Supreme Court has recently, re-adopted "well-known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services qualities, commonly referred to as the *Brunzell* factors:[10]

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

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

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

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

Each of these factors should be given consideration, and no one element should predominate or be given undue weight.[11] Additional guidance is provided by reviewing the

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[10] *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

[11] *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

"attorney's fees" cases most often cited in Family Law.[12]

The *Brunzell* factors require counsel to rather immodestly make a representation as to the "qualities of the advocate," the character and difficulty of the work performed, and the work ***actually*** performed by the attorney.

Ms. Molnar has practiced primarily family law for the last 17 years and has handled hundreds of custody, guardianship, and visitation cases.

As to the "character and quality of the work performed," we believe this *Opposition* is adequate, both factually and legally; we have diligently reviewed the applicable law, explored the relevant facts, and believe that we have properly applied one to the other.

If this Court is inclined to grant Kimberly's requests, a Memorandum of Fees and Costs can be submitted.

DATED this 11th day of May, 2022.

Respectfully submitted by:
MOLNAR FAMILY LAW

/s/ Kari T. Molnar

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Intervenor

[12] Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973), *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980), *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

DECLARATION OF KIMBERLY WHITE

1. I, Kimberly White, declare that I am competent to testify to the facts contained in the preceding filing

2. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true

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

EXECUTED this _____ day of May, 2022

KIMBERLY WHITE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of the following *Opposition and Countermotion* was electronically served on the 11th day of May, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@meganonlawoffice.com
jean@meganonlawoffice.com
efile@meganonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Opposition and Countermotion* was served on the 11th day of May, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

/s/ K. Molnar

Employee of Molnar Family Law

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Tamike Beatrice Jones
Plaintiff/Petitioner

v.

Christopher Judson
Defendant/Respondent

Case No. D-19-594[illegible]3-C

Dept. 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.

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

-OR-

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

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

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

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

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

-OR-

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

-OR-

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

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

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

☐ **$0** ☑ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Kari T. Molnar Date 05/11/2022

Signature of Party or Preparer /s/ Kari T. Molnar

Electronically Filed
5/12/2022 1:52 AM
Steven D. Grierson
CLERK OF THE COURT

EXH
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
Phone: (702) 534-2558
Fax: (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, Plaintiff, vs. CHRISTOPHER CHARLES JUDSON, Defendant, vs. KIMBERLY WHITE, Intervenor.	Case No.: D-19-594413-C Dept. No.: S Hearing Date: 06/08/2022 Hearing Time: 09:15 A.M.

APPENDIX OF EXHIBITS IN SUPPORT OF OPPOSITION AND COUNTERMOTION

Exhibit No.	Description

A	Letter from Jazmine Lopez at Hope Counseling, bates stamp no. KW001.
B	Pictures of Injuries to the kids, bates stamp nos. KW002-KW003.
C	Text messages between Tamika and Kimberly, bates stamp nos. KW004-KW008.
D	Xy'Shone's medical report, bates stamp nos. KW009-KW013.
E	Call Logs, bates stamp nos. KW014-KW015.

DATED this *11th* day of May, 2022.

Respectfully submitted by:
MOLNAR FAMILY LAW

/s/ Kari T. Molnar

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Intervenor

CERTIFICATE OF MAILING

I hereby certify that service of the Appendix of Exhibits to Opposition and Countermotion were served on the 12th day of May, 2022, by U.S. Mail, by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of the following *Appendix of Exhibits to the Opposition and Countermotion* was electronically served on the 12th day of May, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
efile@mcgannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

/s/ K. Molnar

_____

Employee of Molnar Family Law

EXHIBIT A

601 S. Rancho Dr. Suite A10, Las Vegas, NV 89106 T (702) 437-4673 F (702) 438-4673
www.HopeCounselingLV.com

Counseling Services
H.O.P.E.
Healing, Overcoming, Preventing, Empowering

January 17 2022

To Whom it may concern,

The following information is in regarding to Judson. Xy'Shone he has been engaging in services since 12/6/2021 Clinician recommendation include that Xy'Shone engage in sessions once a week for individual session to help process feelings he identifies. Caregiver session are also recommended to help provide future support to Xy'Shone.

Judson, Xy'Shone meets the following diagnosis
Major depressive disorder, single episode, mild, F32.0 (ICD-10) (Active) evident by the feeling sadness, loneness, anger, helpless, fear of abandonment, increase worries, difficulty trusting others and difficulty focusing. These symptoms have been consistent for the last 2 years based on Xy'Shone reporting.
Disruption of family by separation and divorce, Z63.5 (ICD-10) (Active) evident by Xy'Shone expressed difficulty being separated from his younger brother and will express worries. He also express feeling sadness from being separated from his grandmother Xy'Shone has not been able to share feeling related to separation from biological parents.
Child neglect or abandonment, suspected, initial encounter, T76.02XA (ICD-10) (Active) evident by reports that guardian provided to clinician based on Xy'Shone behavior as he will worry about how much food he is able to eat and fear of not having it. When ask Xy'Shone he was unable to express why he become anxious about food.

Clinician's current observation include that Judson, Xy'Shone has difficulty building trust with others including clinician and new providers such as teacher This has been observed by Xy'Shone in session as he has expressed difficulty engaging in sessions without grandmother Recently during our last session 1/17/2022 he agreed meeting with clinician individually without grandmother being present. He has verbally expressed difficulty trusting his new teacher and will worry about her response Additional observation include Xy'Shone is very guarded in talking about his family he will often share his relationship with grandmother and her sister however, he will become guarded talking about the time he was with biological mother He will only express worries about younger brother yet has not express other worries beside being separated and family problem yet has not elaborate any future. Clinician observes that he will become anxious and engaging in fidgeting behavior, tense muscle, and attempt to hide his facial expression when discussing relationship and feelings he experiences.

Sincerely,
Jazmine Lopez, LSW, CSW-Intern
H.O.P.E Counseling Services

H.O.P.E.

KW001

EXHIBIT B

KW002

KW003

EXHIBIT C

tails Agreement

3:29 PM

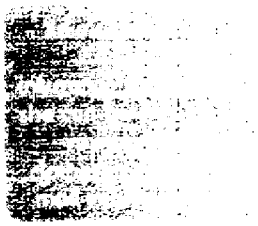
Sunday?? I'm sorry. Did not receive it. As soon as they can

Tamika
3:30 PM

3:32 PM

Thank you

Tamika
3:33 PM



10:18 AM

Send message...

KW004

7:43 5G

Agreement

Can I please talk to my children??

Tamika
9:07 PM

8 Dec

12:11 AM

Mondays 7pm your time

Tamika
3:30 AM

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

Tamika
3:40 AM

5:53 PM

Thanks

Tamika
5:54 PM

Send message...

Details Agreement

9:00 AM

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

9:00 AM

Send message...

KW006

tails Agreement

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

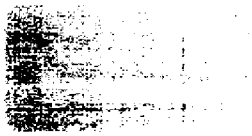
Send message...

KW007

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...

KW008

EXHIBIT D

Data Portability for Xy' Shone Judson

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Family History
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Past Encounters
Goals Section
Health Concerns Section
Advance Directives
Payers

Demographics

Sex:	Male	**Ethnicity:**	Information not available
DOB:	11/20/2011	**Race:**	Information not available
Preferred language:	Information not available	**Marital status:**	Information not available
Previous Name			
Contact:	10461 Hartford Hills Avenue Las Vegas NV 89166-6510 Ph tel:+1-702-534-9692 (Primary Home)		

Care Team Members

Other

None Recorded

KW009

Assessment

Encounter Date	Assessment Date	Assessment
12/20/2021	12/20/2021	Overview/History This is a pleasant 10 year old male that is new to myself and Dispatch Health. His Grandmother believes there is a piece of a Q Tip that is stuck in right ear. This occurred potentially a few weeks ago. It has not been hurting, just "feels like there is something in there". There is no fever, decreased hearing, ear drainage. Exam He is alert, interactive, non-toxic appearing. Vital signs unremarkable. Bilateral ear canal cerumenous. No LAD. Pharynx is clear. DDx considered, but not limited to cerumen impaction FB ear canal otitis media mastoiditis otitis externa Work up/Results Bilateral ear canals irrigated with complete removal of copious amount of cerumen. No FB found. TMs pearly gray. Ear canals clear. Plan/Discussion Discussed routine ear care for patient. I recommend using debrox (ear wax softener) once or twice a week and using warm water in the shower to clean ears to avoid excess wax build up. Please establish care with new pediatrician. Xy'Shone is new to Las Vegas. Made recommendation of Desert Valley Pediatrics due to close proximity. Please follow up with pediatrician if symptoms return. For mild o moderate ear pain, ear drainage, fevers, please follow up with us or pediatrician. For severe ear pain, acute loss of hearing, please report to the ER.

Patient Targets	Goals
Encounter Date	**Instructions**
12/20/2021	Discussed routine ear care for patient. I recommend using debrox (ear wax softener) once or twice a week and using warm water in the shower to clean ears to avoid excess wax build up. Please establish care with new pediatrician. Xy'Shone is new to Las Vegas. Made recommendation of Desert Valley Pediatrics due to close proximity. Please follow up with pediatrician if symptoms return. For mild o moderate ear pain, ear drainage, fevers, please follow up with us or pediatrician. For severe ear pain, acute loss of hearing, please report to the ER.

KW010

Plan of Treatment

Reminders		Order Date	Submit Date	Provider	Details
Appointments	None recorded				
Lab	None recorded				
Referral	None recorded				
Procedures	None recorded				
Surgeries	None recorded				
Imaging	None recorded				

Reason for Referral
None Reported

Results

None recorded

Problems
No information

Procedures
Surgical History

None recorded

Imaging Results

None recorded

Medical Equipment
None Reported.

Allergies
No known drug allergies - True

Medications
No information

Vitals

Date Recorded	Body temperature	Heart rate	Respiratory rate	Oxygen saturation in Arterial blood by Pulse oximetry
2021-12-20	97 [degF]	86 /min	16 /min	97 %

Social History
None recorded

Functional Status
None recorded

KW011

Mental Status
None recorded

Family History

Relationship	Description	Onset Age	Died of this Age	Resolved Age	Notes
Father	No current problems or disability				
Mother	No current problems or disability				

Medical History

Condition	Response
Pulmonary Embolism	N
Parkinson's Disease	N
Cancer	N
High Cholesterol	N
Dementia	N
Coronary Artery Disease	N
Rheumatoid Arthritis	N
Osteoporosis	N
Asthma	Y
Stroke	N
Diabetes	N
CHF	N
A-fib	N
Hypertension	N
Depression	N
Hypothyroidism	N
COPD	N
Kidney Disease	N

Immunizations
None recorded

Past Encounters

Encounter Date	Diagnosis Name	Diagnosis SNOMED-CT Code
12/20/2021 Catherine Goebel, CO - DispatchHealth LAS - HOME: 3841 W CHARLESTON BLVD, LAS VEGAS, NV 89102-1858, Ph. (702) 848-4443	Impacted cerumen of bilateral ears	108324 1000119108

Goals Section

Goal	Description	Status	Start Date	Updated by	Updated on
None Recorded					

KW012

Health Concerns Section

Related Observation

None Recorded

Concern	Status	Updated by	Updated on
None Recorded			

Advance Directives

Directive

None Recorded

Payers

Encounter Date	Sequence	Insurance Name	Policy Number	Policy Holder	Covered Member ID	Holder ID	Member	Guarantor Name
12/20/2021	1	"SELF PAY"		Kimberly White	275			Xy' Shone Judson

KW013

EXHIBIT E

Kimberly White
10461 Hartford Hills Ave
Las Vegas, NV 89166

Date & Time of C	Phone Number	Destination	Length of Call
4/19/2022		to Detroit/MI	GGM called
4/14/2022		to Detroit/MI	1 min
4/12/2022		to Detroit/MI	2 min
4/7/2022	Text Rec'd	cancelling call	
4/5/2022 15:31	(313) 452-5009	to Detroit/MI	2 Min
3/31/2022 19:01	(313) 452-5009	Incoming	5 Min
3/30/2022 19:56	(313) 452-5009	to Detroit/MI	5 Min
3/30/2022 18:45	(313) 452-5009	to Detroit/MI	2 Min
3/28/2022 18:55	(313) 452-5009	to Detroit/MI	14 Min
3/28/2022 19:56	(313) 452-5009	to Detroit/MI	8 Min
3/28/2022 19:03	(313) 452-5009	Incoming	11 Min
3/27/2022 18:56	(313) 452-5009	to Detroit/MI	9 Min
3/26/2022 22:30	(313) 452-5009	to Detroit/MI	2 Min
3/26/2022 22:29	(313) 452-5009	to Detroit/MI	2 Min
3/26/2022 18:55	(313) 452-5009	to Detroit/MI	4 Min
3/24/2022 15:27	(313) 452-5009	to Detroit/MI	1 Min
3/22/2022 17:30	(313) 452-5009	to Detroit/MI	2 Min
3/17/2022 15:54	(313) 452-5009	Incoming	2 Min
3/17/2022 15:37	(313) 452-5009	to Detroit/MI	1 Min
3/15/2022 15:30	(313) 452-5009	to Detroit/MI	2 Min
3/10/2022 15:45	(313) 452-5009	to Detroit/MI	3 Min
3/8/2022 17:33	(313) 452-5009	to Detroit/MI	1 Min
3/3/2022 15:29	(313) 452-5009	to Detroit/MI	1 Min
3/1/2022 15:31	(313) 452-5009	to Detroit/MI	1 Min
3/1/2022 15:30	(313) 452-5009	to Detroit/MI	1 Min
2/24/2022 15:30	(313) 452-5009	to Detroit/MI	4 Min
2/22/2022 15:33	(313) 452-5009	to Detroit/MI	2 Min
2/17/2022 15:35	(313) 452-5009	to Detroit/MI	2 Min
2/15/2022 15:37	(313) 452-5009	to Detroit/MI	3 Min
2/3/2022 16:34	(313) 452-5009	to Detroit/MI	4 Min
2/1/2022 17:50	(313) 452-5009	Incoming	3 Min
2/1/2022 17:49	(313) 452-5009	Incoming	1 Min
2/1/2022 17:48	(313) 452-5009	to Detroit/MI	1 Min
2/1/2022 15:33	(313) 452-5009	to Detroit/MI	1 Min
1/19/2022 18:31	(313) 452-5009	Incoming	2 Min
1/19/2022 18:26	(313) 452-5009	to Detroit/MI	2 Min
1/19/2022 18:05	(313) 452-5009	to Detroit/MI	21 Min
12/25/2021 18:0	(313) 452-5009	to Detroit/MI	15 Min

KW014

Date	Details
February 1 2022	Phone call to kids. left message x2. Phone call from Xy'Shone for 3 minutes
February 3, 2022	Spoke with Xy'Shone for 4 minutes
February 8 2022	Text from Jones saying kids were too busy to talk and they would call tomorrow
February 9 2022	No call from children
February 10, 2022	Xy'Shone and Xaia spoke with great-grandmother
February 15, 2022	Spoke to Xy'Shone. Call ended when I asked Xy'Shone if he still draws comics. 60 seconds
February 17 2022	Spoke with Xaia. 60 seconds.
February 22, 2022	Spoke with Xaia. 1 minute 32 seconds.
February 24 2022	Great-grandmother spoke to Xy'Shone and Xaia for 90 seconds
March 1, 2022	Phone call to kids x 2; left messages
March 3, 2022	Phone call to kids. left message
March 8, 2022	Phone call to kids. left message.
March 10, 2022	Spoke to Xaia for 2 minutes
March 15, 2022	Phone call to kids: left message.
March 17, 2022	Phone call to kids. left message. Phone call from kids for 2 minutes.
March 22, 2022	Spoke to Xy'Shone for 60 seconds
March 24, 2022	Phone call to kids. left message. mistakenly called early because traveling in different time zone. Text from Jones complaining
March 29, 2022	Spoke to all 3 kids for 13 minutes
April 5, 2022	Phone call to kids. left message. Phone message from Xy'Shone stating he and Xaia sick and they will call Thursday. Text from Jones with same message.
April 7, 2022	Text from Jones stating she's in hospital and will have the kids call tomorrow
April 8, 2022	No phone call.
April 12, 2022	Spoke to Xy'Shone for 60 seconds.
April 14, 2022	Spoke with Xy'Shone and Xaia for 60 seconds
April 19, 2022	Great grandmother and Great grandfather spoke with Xaia.
April 21, 2022	Phone call to kids. left message. Phone call from Xy'Shone. spoke for 60 seconds
April 26, 2022	Phone call to kids. left message
April 28, 2022	Great grandmother called kids late. left message. Text from Jones stating no call received on 4/21/2022 and tell great grandmother to call on time.

KW015

Electronically Filed
5/12/2022 6:43 AM
Steven D. Grierson
CLERK OF THE COURT

OPPC
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
Phone: (702) 534-2558
Fax: (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor, Kimberly White

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, Plaintiff, vs. CHRISTOPHER CHARLES JUDSON, Defendant, vs. KIMBERLY WHITE, Intervenor.	Case No.: D-19-594413-C Dept. No.: S Hearing Date: Hearing Time:

OPPOSITION TO
"MOTION TO CONTINUE EVIDENTIARY HEARING
AND
COUNTERMOTION FOR THE COURT TO PROCEED WITH ALLOWING THE INTERVENOR TO REQUEST CUSTODY OF THE MINOR CHILDREN OR/TO REINSTATE OR RE-OPEN THE GUARDIANSHIP CASE THAT WAS PREVIOUSLY INITIATED BY THE INTERVENOR

I. INTRODUCTION

The first seven pages of the Motion is repetitive of every Motion Tamika has filed since retaining Mark McGannon to represent her in this matter. Kimberly may briefly respond to some of these allegations. if necessary. however. she believes that she has previously provided this Court an Opposition to most. if not all. and does not want to be repetitive. This Court can take judicial notice of her prior response(s).

Kimberly does not dispute that at the January 20. hearing. this Court ruled that an evidentiary hearing would proceed on the issues of Grandparent visitation on July 22. 2022. however. at that hearing this Court made that ruling based on Tamika's argument that this Court was violating her fundamental. constitutional rights as a parent and that it could not proceed in that way, as there was no Petition seeking custody of the children and the father signed under oath that it is in the children's best interest to have permission to relocate with Mom to Michigan.

This Court stated that it did not see this case as a Termination of Parental Rights. however. it was absolutely correct when it found that the statue is clear that if the Court finds it is in the best interest of the children that it can award them to a third party. The Court further provided the cases of *Lawrimore v. Lawrimore*. 461 P.3d 896 (2020) and *Hudson v Jones,* 122 Nev. 709 (2006). as guidance of proceeding with this matter.

This Court further Ordered that Kimberly could file for custody or guardianship prior to the evidentiary hearing. Within just a few days. on January 25. 2022. Kimberly

complied with the Court by initiating a guardianship action in Case No. D-22-641477-V. Based on counsel's review of that case. it appears the case was voluntarily dismissed due to lack of service.

Kimberly does not have to file another Petition for Custody, as this Court already granted her Motion to Intervene – which Tamika never objected. Tamika continues to refuse to take responsibility for her actions, as shown in her pleadings, and wants to blame everyone else on what has occurred since initiating this action in 2019. Tamika has repeatedly argued that Kimberly has refused to serve her or notify her of pleadings, hearing dates, and orders. however. it is Tamika's fault that she failed to comply with the Rules by filing a Notice of Change of Address. Based on counsel's review of the pleadings it is obvious that Tamika is aware that this was necessary and that she knows how to file the Notice, as she filed a Notice of Change of Address with an email address on September 25. 2019. The fact that a litigant refuses to comply with Rules, or in this case – Orders – cannot be blamed on anyone else. Kimberly's only duty throughout this case was to serve Tamika at her last known address with the Court – which she complied with.

At the time that Kimberly filed her Motion to Intervene, on July 13, 2020, it clearly discussed the law of not only intervention, but also the law on this Court granting her Motion for Custody of the three minor children.

Due to the holdings in both the *Lawrimore* and *Hudson v. Jones* cases, counsel will discuss the specific factors in *Locklin v. Duka*, 112 Nev. 1489, 929 P.2d 930 (1996),

however. Kimberly disagrees with Tamika's position that this Court is somehow prohibited from determining the custody or guardianship of the minor children at the evidentiary hearing and that it can only determine grandparent's visitation.

There are concerns that need to be addressed by this Court, and counsel notified Mr. McGanon that there were additional issues brought to light. during Kimberly's most recent visitation with the children during their spring break. Counsel was just retained by Kimberly to represent her through the trial in this matter on. or about April 19. when the Notice of Appearance was filed and the full payment was made. a few days later. Immediately following her entering this case. counsel flew to Tennessee and was gone in a multi day proceeding. which included a trial. for approximately five days. Upon returning on April 25. counsel was attempting to catch up and work on two emergency issues that arose.

Mr. McGannon has produced the communication with counsel, however. due to just getting back to work this week and having issues with the Attorney Portal blocking counsel's full access to this file and with the extensive filings and proceedings that have occurred. counsel believes she is up to speed. Counsel agrees that she informed Mr. McGannon that the reason she was hired was to file the necessary documents and provide this Court with proper notice of the issues that arose to properly represent Ms. White and provide this Court with necessary information to modify the current order based on a showing that leaving the children in the care of Tamika is detrimental to their well being

and not in their best interest. In order to have a detailed discussion with Mr. McGannon counsel needed a few days to review the file and prepare for any such communication and/or filing this request. As required. counsel put Mr. McGanon on notice that her intention was to file and request a temporary Order that the three minor children be placed in Kimberly's care – where all of their needs will be met. Counsel also wanted the opportunity to review and discuss the child interview of Xy'Shone and discuss that with Kimberly, while allowing Mr. McGanon to review and discuss it with Tamika, prior to scheduling a time to talk. Counsel was only notified and provided a copy of the Interview three judicial days ago – after sending an inquiry to the Court.

Not only has Kimberly, while representing herself, attempted to put this Court on notice that there were issues by filing a Motion for an Order Shortening Time for the evidentiary hearing after finding out from Mr. McGanon's office that he would be unavailable in July. Kimberly's position is that Mr. McGanon had to be aware of an out of country wedding prior to a little over two months before and the fact that she was just noticed and informed that the trial would be continued for almost five or six more months was unacceptable for an attorney to do to an unrepresented party.

At 9, Tamika states that her attorney advised counsel of "serious concerns" of a possible issue with the paternity of the parties' youngest child. However, the Court can review the email which stated that the youngest child's paternity may be at issue and Mr. McGanon would like to discuss this issue with counsel. Counsel addressed this briefly by

requesting his availability and informing him that she was interested to hear what he had to say, that she would discuss the continuance with Kimberly, however, counsel did not believe that Kimberly would agree without having the issues and her request for temporary custody addressed by the Court. After fully reviewing this file, it is apparent to counsel that Tamika would never agree to give Kimberly temporary custody of the minor children pending an evidentiary hearing and that counsel would be forced to file a motion.

A response was requested in which a stipulation was sent to counsel to continue the trial, however, no dates for availability for a further discussion were ever provided. Counsel intended to reach out to Mr. McGannon in the next 48 hours, however, it appears his preference is litigation.

This Opposition and Countermotion follows.

II. FACTS

A. Brief Procedural History

Counsel previously addressed Kimberly's compliance with this Court's direction, initially when she filed her Motion to Intervene to Request a Motion for Custody. Despite there being no Opposition filed, this Court did not make any order, permanent or otherwise, on this request and the request was never denied, therefore, Kimberly incorporates that Motion into this Countermotion in requesting that this Court make a determination, on a temporary basis, pending the evidentiary hearing that is in the best interest of the three minor children.

Kimberly is going to provide a very basic recitation of the parties' and children's past living arrangements, to assist this Court's recollection of what was previously discussed in detail:

From 2011 through 2019, both parties and the children were residing with Kimberly. There were times during the eight year period that the parties would move from Kimberly's residence, however, the children always resided with Kimberly and spent more time with her than their parents.

During this time, Kimberly also provided the stability for the parties and their children – emotional, financial, and ensured their basic needs were met, among additional assistance with education, housing, and employment. Kimberly maintained daily and full financial responsibility for the children during this time.

In 2016, was the first time Tamika fled the State of Nevada with the children. This lasted for six months with no contact with Kimberly until they returned.

During July and August of 2019, Tamika rented an apartment, however, she threw Christopher and the three minor children out of the home on two separate occasions. After the second time, Christopher said he and the children were not returning.

It was also in August, that Tamika filed false kidnapping charges and sent the police to Kimberly's home, where the children were residing with their father. After a brief discussion/investigation, the police determined there was no further action to take. As Tamika did not achieve the results she wanted, she opened this litigation by requesting full

custody of the three children.

At their initial hearing, Christopher was awarded primary custody of the minor children from Monday through Friday and Tamika received visitation from Friday at 5:00 p.m until Sunday at 5:00 p.m.

By December of 2019, the parties decided to reconcile and Christopher returned to Tamika's apartment with their children. Initially, the kids were still spending almost every day in Kimberly's care, however, she noticed that this slowly deteriorated as the parties began leaving the children in her custody for less time and began decreasing her communication.

By June of 2020, Christopher never came to Kimberly's and by that time, the children were spending no time with her and she was not allowed to speak with them. Kimberly was very concerned for the children during this time and she proceeded to file her Motion to Intervene in this action. Following hearings and a mediation Kimberly successfully obtained a visitation order.

On November 3, 2020, there was a hearing wherein Tamika represented that the visitation was going well, however, she disappeared the following weekend.

At the time of Tamika's disappearance, Kimberly was awarded visitation one weekend a month and during the months with a fifth weekend, she was awarded that weekend as well, two calls each week, on Tuesday and Thursday, at 6:00 p.m. or 6:30 p.m., and two weeks during the summer.

After Tamika's disappearance, Kimberly's visitation and phone contact was not complied with and she was forced to return to Court to obtain an Order. At the February, 2021, hearing, this Court issued a pickup Order. The Order was not entered until March and from the time that Kimberly received a copy, she searched for her grandchildren until November, 2021, with the assistance of law enforcement, the school district, the Nevada Attorney General, and others to finally be able to retrieve the two oldest children. She unsuccessfully retrieved her youngest grandson.

The children remained in Kimberly's care where they were enrolled in school, and were finally obtaining the medical and mental health treatment they needed. In January, 2022, the parties participated in additional litigation. There were two days of hearings, January 20, and January 21. At the first hearing, Tamika was awarded one daily phone call, one video call, and one supervised visit during the weekend. The next day, the Judge ordered that the children were to be returned to Tamika's custody and Kimberly's visitation was reinstated. A child interview with Xy'Shone was granted.

Further, on January 20, when this Court directed Kimberly to either file for Custody or Guardianship and provided the case law, Kimberly took that advice and proceeded with opening a Guardianship case on January 25. It is believed that due to her counsel's awareness that her request for custody was already before this Court, no further request was necessary.

Unfortunately, due to service issues, the Guardianship case had to be voluntarily

dismissed.

As this Court is well versed in the factual background of the parties and children, it does not appear necessary to go back through a complete recitation of the history.

Tamika continues to state, throughout this Motion, that a continuance of the trial – that was scheduled months ago – will not prejudice the Intervenor. However, Kimberly disagrees. This case has never been about Kimberly. This case has only been about the children and their needs: their welfare; safety; educational and medical needs being met; and that their best interests are heard and decisions are made with all of this taken into account.

1. Counseling for the Minor Children

At the proceedings in January, the children's counseling, issues, and fears that they were exhibiting were discussed, however, at that time, Kimberly had not yet received a statement from the counselor.

During that proceeding Mr. McGanon argued that Kimberly had no right to take the children to counseling and that the counseling never should have occurred, however, at the time that Kimberly put the children in counseling, it was necessary. Due to the short time that Xy'Shone was involved in counseling, between December 6, 2022 and January 17, 2022, he engaged in sessions once a week, after being diagnosed with Major Depressive Disorder, single episode mild F32.0 (ICD-10) (Active); Disruption of family by separation and divorce, Z63.5 (ICD-10) (Active); and Child neglect or abandonment, suspected, initial

encounter. T76.02XA (ICD-10) (Active).[1]

To provide this Court with a better understanding of the children's behaviors and statements when they were placed in Kimberly's care in November of 2021. Xaia was very depressed. She would only provide one word answers, she was barely speaking and had a very flat affect. She would constantly repeat "I'm sad. I'm always sad. I'm sad about family stuff."

Xy'Shone exhibited extreme anxiety when he had to speak with Tamika, on the phone and following the calls he would have horrible nightmares that Kimberly would spend significant time calming and soothing him and assuring him that he was safe and everything was going to be alright.

As time passed, the children disclosed abuse issues with their family in Michigan describing them as "brutal" and the children were fearful believing that"they're going to kill us." Again, just one more issue that caused her very serious concerns of whether the children were safe and whether there will come a time when she receives a dreadful call that something very bad happens to one, or all, of the children, or that one, or all, are dead.

After the children began therapy and they were discussing some of these issues, the therapist suggested working with Kimberly to come up with a reasonable telephone schedule that would benefit the children and be in their best interest, rather than Tamika forcing Kimberly to acquiesce to her unreasonable demands of multiple phone and/or video

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[1] *See* Exhibit A (January 17, letter from Jazmine Lopez, LSW, CSW-Intern from Hope Counseling).

calls each day. Kimberly reached out to Tamika to notify her that the therapist was working with the children to arrive at a schedule that would be in their best interest – Tamika's response was to restate her demands and inform Kimberly that she had no right to take the children to a therapist. Ultimately the therapist advised Kimberly to limit calls to occurring when the children requested to speak to Tamika and to implement a schedule that would not cause them undue anxiety or to make them upset.

As clearly stated in the therapist's letter, Xy'Shone was very concerned during the entire time he was in Las Vegas for the safety and well being of his baby brother who remained in Tamika's care.

It was not until January of 2022, immediately before the children were ordered to return to Tamika's custody that both Xy'Shone and Xaia reported being beaten by a "switch" which left scars.

Kimberly believes that the investigation referred to in this letter is that what was reported to CPS in Michigan, after retrieving the children.[2] To the best of Kimberly's recollection, Michigan did not close the case, however, they were not actively conducting their investigation after she reported the allegations, sent pictures of the abuse, and

[2] To the best of Kimberly's knowledge there may be at least two reports to CPS in Nevada, as she was advised to make a report in January, as she was finding out information, however, she believes that because the allegations stemmed from incidents in Michigan, Nevada did not proceed with an investigation and she believes there is at least one other CPS allegation previously in Nevada, from 2019. Counsel will attempt to get Mr. McGowan to sign a Stipulation for the Court to request the CPS records, as it is very difficult for counsel to receive subpoena responses directly from the agency, as this Court is aware.

informed the investigators what the children were reporting of abuse and neglect they were encountering by the Mother, Maternal Grandmother, and Maternal Aunt – whom Kimberly believes were all residing with the children – at that time – and have continued residing with the children since they were returned to Tamika's custody.[3]

Xaia was also seen by the therapist and diagnosed with anxiety, however, was not as bad as Xy'Shone. Kimberly was in the process of getting Xaia in to regular appointments, as recommended by the therapist around the time that Kimberly was ordered to return the minor children to Tamika. Kimberly does not believe that Tamika followed through with any therapeutic services for Xaia.

Kimberly also wants to ensure that the children continue receiving therapeutic treatment to resolve their diagnosed, and any additional issues, including their food insecurity, which she was informed if the children continued exhibiting signs what they would need additional counseling to assist them with this issue.

The therapist recommended that the child may require further counseling to address their issues with food insecurity

Kimberly believes that, as the children's mother, Tamika should have immediately recognized the fear and anxiety both of the older children were exhibiting and she should have enrolled the children in therapy when they were in her care – that never happened.

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[3] *See* Exhibit B (Two of the pictures that Kmberly sent to CPS, which show what appears to be abuse that the children encountered). Due to scanning the pictures they may not be clear, if the Court is not able to see the injuries the children sustained, counsel can produce color photographs to this Court and Mr. McGanon.

Kimberly does not believe that she has enrolled them in any therapy since they returned and she believes that the reason Tamika is failing the child by not ensuring that their mental health and well being is taken care of is out of fear of what the children may report to a therapist of the dangers and possible abuse that they are receiving in Tamika's care and by the household members she and the children reside with, which causes Kimberly grave concern and leads to her belief that it is detrimental to these children's health and welfare, and not in their best interest to remain in her care.

2. Medical Issues for the Minor Children

During the time that the children were in Kimberly's care from Nevada of 2021, through January, 2022, she became very alarmed when Xy'Shone reported that he was experiencing bilateral leg pain caused by falling off a roof at his aunt's home. Kimberly also noticed that he was walking abnormally. Based on this Kimberly sought medical care to make sure the child was not injured. Xy'Shone underwent a physical assessment and a treatment plan was created, which included a referral for physical therapy. Unfortunately, Kimberly was not able to take Xy'Shone to begin physical therapy as she was ordered to return him to Tamika's care.

The fact that Tamika was aware of this incident, which Kimberly believes occurred a significant period of time – close to a year – before she retrieved Xy'Shone, and yet failed to even take him to see a doctor, or make anyone aware of the situation is uncalled for and simply medical neglect. The fact that Xy'Shone has needed physical therapy for over a

year and Tamika is most likely completely unaware and unconcerned with the pain he is in and that he walks abnormal. The children should not be forced to live under these conditions. It's not only unacceptable and unfit parenting – it amounts to abuse and neglect.

On January 12. 2022. Kimberly also took Xaia to the dentist as she fell at school. During the appointment. several cavities were discovered. Kimberly does not believe that Tamika takes proper care of the children's dental needs. as she is unsure that Xaia has been to a dentist since she was a toddler. Xy'Shone has never went to a dentist. and Kimberly is unsure whether Xionne has ever been to a dentist appointment. however. doubts the likelihood.

Xaia's asthma was acting up and Kimberly requested the copy of the insurance card. initially. to obtain inhalers – Tamika refused to respond to this request.

The two children both ended up with ear impactions. Kimberly informed Tamika that the children had ear impactions from lack of cleaning and she was requesting a copy of their insurance cards and Tamika's home address. The response from Tamika – rather than concern and questions about the children's health and welfare – consisted of blame: derogatory statements and comments about Kimberly: her refusal to provide the insurance cards: and her refusal to respond to Kimberly's request for her address.[4]

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[4] *See* Exhibit C(Text messages regarding phone calls and medical issues regarding their insurance and health care issues that Tamika refused to assist with). These text messages were previously produced by Kimberly in her Opposition to Tamika's motion to stay the order which was heard in January, 2022. However, due to the amount of text messages that were produced

Xy'Shone's impacted ear, which was the worst of the two, and needed extra care was caused from a qtip being stuck in his ear several weeks prior to him being placed in Kimberly's care.[5]

Due to the short visitation that Kimberly had with the children during their spring break she is aware that these children are not okay. All of their fears and behaviors that were exhibited and provided to this Court when Kimberly was finally able to obtain assistance from law enforcement and retrieve the two oldest children were obvious during her visitation. Unfortunately, the children are not willing, or allowed, to discuss their concerns; they are not allowed to be themselves and it is apparent that there is absolutely something being hidden. Kimberly viewed marks on Xy'Shone, which appeared to be burns – which caused her grave concern, however, the burns or injury were on his body and the entire time that he spent with Kimberly he refused to remove his coat, therefore, she was not able to take photographs and when she tried to get Xy'Shone to speak to her he completely shut down and refused. There is something going on and her concerns stem back to prior conversations she had with both older children when they alleged abuse and informed her that they would get in trouble if their mom knew they were telling her things. She and XyShone have always had a very, very close relationship as she has been his primary caretaker and has provided the only stability he knows throughout his life. They were

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counsel only used the relevant texts to the issues discussed in this Opposition.

[5] *See* Exhibit D (Notes from the doctor's visit for Xy'Shone's appointment).

always inseparable and he always knows that he can discuss anything with his Granny and she will protect him – as stated in his child interview report. however. this is not at all how he acted during his visitation .

Tamika made the exchange extremely difficult for Kimberly to the point where she threatened multiple times that she was not going to allow Kimberly to take the children and exercise her visitation. All of this was stated at the police station which is the location as Tamika refuses to provide her address to this Court. or Kimberly – despite it being a requirement of this Court. Since retaining Mr. McGanon. Tamika is using his address as a shield to attempt to keep her from providing the actual address the children are residing. Mr. McGanon has never filed a Notice of Change of Address on her behalf and when Kimberly requested. informally. to be provided it. Mr. McGanon will only provide his office address.

3. Brief Recitation of the Issues that Kimberly Is Aware that Amount to Abuse and/or Neglect

* Tamika leaves the children alone with her sister. Talisha Jones. who in 2016 was in a fight with Tamika. leaving her severely beaten and was arrested for the incident.
* Approximately a year ago. Xy'Shone was allowed to pay in a dangerous environment when he was at Talisha Jones' home and fell from the roof. with no medical care or treatment for his injuries causing damage that resulted in his needing physical therapy.

* Upon information and belief, Kimberly does not believe that Tamika regularly uses a car seat for Xionne, who is two years old, or a booster seat for Xaia, who is six years old.
* Lack of ability to provide food for the children in which the children's school sent food home when the children informed someone that they had no food at home. This has caused both Xy'Shone and Xaia to hide food: and exhibit meal anxiety where they appear to not be able to get enough food to eat.
* Lack of ability to provide stable housing for herself and the children. After abducting the children a year ago, Tamika moved between hotels and from house to house, sleeping on sofas. One of the places they stayed at was overrun by bugs for a short time. To the best of Kimberly's knowledge, Tamika has still not secured a stable home.
* The children reported beatings by Talisha Jones, their aunt, with a switch and informed Kimberly that the scars on Xy'Shones hip and Xaia's knees were caused by the beatings.
* Both Xaia and Xy'Shone reported a bearting by their maternal grandmother and Tamika related to a missing jacket which was later found in the laundry. The children discussed the severity of this incident and described hearing Xaia shrieking and screaming with their therapist.
* Diagnoses by the therapist of each child based on the behaviors they were exhibiting

such as Xy'Shone's major changes in behavior, i.e. withdrawn, avoiding coping mechanisms, sleep issues (both trouble falling asleep and staying asleep: and severe nightmares).

* Xy'Shone's last report card from Ferndale Elementary School stated that he does not express himself in his art. Prior to this, expressing himself through his art was his coping therapy. This should have alerted Tamika that something was wrong with him and caused her to immediately intervene and get him the help he needs.

* The children are left in the care of Xy'Shone who has to walk Xaia home from school through a neighborhood with safety issues.

Kimberly believes that the following instances would be classified as emotional abuse:

* Xionne, at two to three years old, should be able to articulate between 500 and 900 words and speak in sentences, however, he barely says any words at all.

* Alienation of the affection from great grandparents: grandmother; and other extended paternal family members.

* Repeatedly telling Xy'Shone that he doesn't have a brain.

* Telling the children that she should put them up for adoption.

* Brainwashing and manipulating the children by making them to make false statements such as Xy'Shone lying about Kimberly trying to kill him; coupled with extended maternal family members making untrue statements to the children about their paternal family in order to alienate affection toward the family.

* Immediately removing all of the children's toys when they returned from Nevada, which included their Christmas and birthday gifts because their grandmother did not want them in her house.

* Refusing to improve Xy'Shone's self image by taking him to a dentist to reduce his self consciousness about his teeth. When he was in Nevada, Kimberly bought him a teeth whitening set which Tamika threw away immediately upon his return to her custody.

4. Issues with Spring Break Visitation

On, or about, March 22, Tamika started raising issues and making excuses about potentially not releasing the children to Kimberly for her spring break visitation which was ordered to begin on March 26. Among these excuses, Tamika was making very unreasonable demands such as that Kimberly was required to provide Tamika a list of each and every person the children may possibly encounter or spend time with during her visitation, along with their contact information. She also began demanding a list of a daily schedule listing everything Kimberly intended to do with the children, and a detailed list of each and every place Kimberly intended to take the children with addresses.

This is not what the Court ordered. Kimberly complied with the Court's orders and provided Tamika the information she was ordered to provide but refused to her unreasonable demands. Tamika was so demanding that in order to resolve some of the issue, Kimberly just agreed to spend her week visiting the children in Detroit.

When they arrived at the police station. Tamika caused a scene and informed her that unless Kimberly acquiesced with the demands, as stated above, Tamika was not going to release the children. This caused a scene and was extremely unhealthy for the children, which did not affect Tamika.

Ultimately Kimberly left the police station with all three children to begin what she believed would be a much different spring break. Most noticeable, and concerning, was Xy'Shone, as he refused to speak with Kimberly or be alone with her during the visit. He wore a coat and refused to take it off – he slept in it. Kimberly could not get him to remove his coat at any time that week. After finally getting Xy'Shone to remove one arm from his coat, she remarked about a burn scar on his right forearm, immediately thereafter his arm was put back in the sleeve of his coat and he refused the rest of the visit to remove his coat.

Also concerning was Xionne, who is two years old, and Kimberly has not seen for almost a year and a half, as he was not as verbal as expected. He only made grunting noises and pointed instead of speaking words. Kimberly focused a lot of her attention to working with him during the week and there was a rapid increase in his vocabulary during that time. This was shocking to Kimberly after raising Xy'Shone and Xaia and remembering Xy'Shone being able to read at three years old and that Xaia was counting and knew her alphabet by the time she was two years old. This breaks Kimberly's heart as she is well aware that no one is spending time and working with this child, in Tamika's care.

During the visit Kimberly became alarmed when Xaia said she sleeps with Big

Xy'Shone and another male cousin. She would not provide any additional information as to who the male is or his age.

At the end of the visit, Tamika sent a girl to pick up the children. When they saw her the children seemed very uneasy big and Kimberly realized it was Talisha Jones, Tamika's sister whom the kids accused of beating them.

Since the children returned to Michigan in January, Kimberly's calls have not occurred as they are supposed to, if they occur at all. Tamika has prohibited Kimberly or her parents from speaking with the children and many times when they are allowed to speak to her it may be one or two – never all three. Many of the calls are 60 to 90 seconds and Tamika hangs up or disconnects the call. Kimberly has kept records of each call, or a log that the call did not occur, or the excuse Tamika had for not allowing the call to occur.[6]

This *Opposition* follows.

IV. OPPOSITION

A. Kimberly is Requesting that if Trial Is Continued She Be Awarded Temporary Physical Custody of the Minor Children

Counsel does not dispute that the Court can grant a Motion to Continue a Trial – for good cause. Here, however, based on Kimberly's concerns for the safety and well being of the minor children she is opposed to any continuance – for months on end. This trial was set months ago and she questions the reason that Mr. McGowan waited until the last

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[6] *See* Exhibit E (Call Logs).

several weeks to request this continuance, as she believes he knew that by waiting it would most certainly cause an additional six, or more, month delay to these proceedings.

The main concern for Kimberly is the safety and well being of her grandchildren and for this Court, to hear the evidence that will be produced at trial to make the determination of whether remaining in the custody of Tamika is detrimental.

At this time, if this Court is going to grant Mr. McGowan's request to continue this trial, Kimberly is requesting that based on the information that is now before this Court, it award her temporary custody of the minor children. As the children will be on their summer break, and it is clear from Xy'Shone's interview that he wants to live with Kimberly, that she be awarded temporary custody to ensure that the safety and protection of these children is maintained.

Kimberly is requesting that if the Court does not have a full day trial, however, can find two half days to hear this matter, prior to the start of school, that the trial be briefly continued.

V. COUNTERMOTION

A. This Court Should Grant Kimberly's Request For Custody

This Court has the ability to make orders at any time, under NRS 125C.0045(1) which states:

NRS 125C.0045(1):

> 1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693,

inclusive, and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter, during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest;

[Emphasis Added].

Based on this, this Court can, and should, grant Kimberly's request to temporarily modify the current custodial orders to award her primary physical custody of the minor children pending the evidentiary hearing.

The Court should Order that Kimberly and Tamika share joint legal custody, however, if the children need medical care and therapy that Kimberly be allowed to continue to obtain it in order to meet the children's needs, as that is in their best interest.

While Kimberly is aware that parents have a fundamental right in the care and custody of their children[7], she is also aware that if the district court finds that the parent is unfit or that there are other extraordinary circumstances that result in serious detriment to the child, it can award custody to a third party.[8]

Kimberly is well aware that it is her burden to overcome the parental presumption, however, in this case she believes she can prevail.

Before awarding custody – legal or physical – to a nonparent, the district court must find that awarding custody to the parent would be detrimental to the child and the award

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[7] NRS 126.036(1). *See also Rico v Rodriguez*, 121 Nev. 695, 704, 120 P.3d 812, 818 (2005).

[8] *Litz v Bennum*, 111 Nev. 35, 38, 888 P.2d 438, 440 (1995).; NRS 128.018; *Locklin v Locklin*, 112 Nev. At 1495-96, 929 P.2d at 934.

to a nonparent is required to serve the best interest of the child.[9]

In making that decision, the district court must consider any one or combination of the *Locklin* factors, as follows:

1) ***abandonment or persistent neglect of the child by the parent.*** Tamika has been in and out of these children's lives for significant periods of time and Kimberly previously provided this Court a list of issues that have been ongoing that raise to the level of parental neglect. Kimberly believes that this Court can find that Tamika has abandoned and neglected these children throughout their lives.

2) ***likelihood of serious physical or emotional harm to the child if placed in the parent's custody.*** Again, Kimberly has provided this Court with photographic evidence and medical records of the serious physical harm the children have endured while in Tamika's care. A child falling off a roof is serious physical harm; beatings with a switch is serious physical harm, and even if Tamika did not beat the children herself, it is happening by her agent and the third party she is leaving the children in the care of while they are in her physical custody; and the scars that the children have from prior physical abuse they have endured. Kimberly has proof that both Xy'Shone and Xania have been diagnosed with mental health disorders and need therapy based on the trauma and emotional harm that has been caused while living in Tamika's custody.

3) ***extended unjustifiable absence of parental custody.*** Here Tamika left these children with both Kimberly and Christopher for significant periods of time.

4) ***continuing neglect or abdication of parental responsibilities.*** Tamika has never been able to provide the children stability and if it has not already been shown it will be shown that Kimberly has had to take on the parental responsibilities for the children. Kimberly is the one who worked with the older two to teach them their alphabet and how to read; Kimberly has made sure that they are getting an education; Kimberly makes sure that they have food, clothing, and shelter. On the other hand, Tamika has never been able to provide a home for the children – her history speaks for itself she moves from one short term housing to the next; she stays with family or friends in

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[9] NRS 125C.004(1).

small units that are not large enough to house the amount of people residing in them: she has had the children living in bug infested units: the school has had to provide food for the children because Tamika is incapable of doing this for her children; Tamika has not been able to maintain steady employment; and she absolutely has not shown that she can take care of their medical needs.

5) ***provision of the child's physical, emotional and other needs by persons other than the parent over a significant period of time.*** Here, Kimberly has taken care of the children's needs since their birth. She has, for years, provided for Tamika's needs as well.

6) ***the existence of a bonded relationship between the child and the nonparent custodian sufficient to cause significant emotional harm to the child in the event of a change in custody.*** All three of these children have a bond with Kimberly, the youngest does not have as strong of a bond due to being withheld from contact with Kimberly for almost 18 months, however, she is well aware that the love and support she can provide him will quickly grow into a very strong bond. Kimberly and Xy'Shone are very close, although the last visit was somewhat strained. Kimberly believes that it is more than Xy'Shone is not getting the emotional help that he needs. She also has concerns that Xy'Shone shared information with her knowing that she would protect him and unfortunately, after the information was provided to Tamika through these proceedings, and shared with her family members, that Xy'Shone may have incurred some beatings. There is no other explanation for the drastic change in his behavior in a very short period of time. The interview which was just a few weeks before the spring break visit was clear that Xy'Shone wants to reside with Kimberly in Las Vegas. Kimberly is questioning what Xy'Shone was told would happen if he spoke to Kimberly or took his coat off and any injury would have been more exposed.

7) ***age of the child during the period when his or her care is provided by a non-parent.*** Kimberly provided care for these children for the majority of their lives.

8) ***the child's well being has been substantially enhanced under the care of the nonparent.*** Here, Kimberly has absolutely substantially enhanced the children's well being under her care. As stated previously Kimberly is the only one who can provide for the children housing, food, clothing, medical, dental, therapy, and anything else they need or will need in the future.

9) ***the extent of the parent's delay in seeing to acquire custody of the child.*** Tamika did not file for custody of the children until after her plot to open a criminal investigation against Kimberly or Christopher failed. Then she requested full custody of the minor children, which she lost.

10) ***the demonstrated quality of the parent's commitment to raising the child.*** Tamika has never demonstrated any such quality.

11) ***the likely degree of stability and security in the child's future with the parent.*** There is, realistically, no degree of stability and security in any of the children's future if they are left in Tamika's custody.

12) ***the extent to which the child's right to an education would be impaired while in the custody of the parent.*** Tamika did enroll the children in public school, however, as stated through pleadings and in the children's interview, Kimberly can provide the children a better educational experience. Kimberly further has concerns after spending spring break with the baby, that Tamika has no skills with which to ensure that the children's educational needs are met or that she will push the children to excel in their educational experience.

13) ***any other circumstances that would substantially and adversely impact the welfare of the child.*** Here, Kimberly believes that she has shown the Court through the examples that she previously provided the multitude of ways that the children's welfare has been substantially and adversely impacted in Tamika's custody.

In determining that the placement of the children in Kimberly's custody, the Court must look at the factors in NRS 125C.0035(4) as follows:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody. The only child who was of a sufficient age and capacity to form a preference as to his custody was Xy'Shone, who clearly wants to be raised by Kimberly. Although he wants to spend time with Tamika he is well aware that it is in his best interest to be placed in Kimberly's custody. Xy'Shone was very clear in the amount of time he wants to spend with everyone based on the circumstances that each party has provided him throughout his life.

(b) Any nomination by a parent of a guardian for the child. Based on the history, Kimberly nominates herself.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent. Here. Tamika has shown that she has no problem withholding these children for extended periods of time and not complying with Court orders to ensure that the children's relationship with Kimberly is maintained.

(d) The level of conflict between the parents. There is an increased level of conflict between Kimberly and Tamika, that was not always present. Kimberly does not see this improving if Tamika maintains custody of the children.

(e) The ability of the parents to cooperate to meet the needs of the child. Kimberly is the only party who has ever met the needs of the children.

(f) The mental and physical health of the parents. It does not appear that either party has mental or physical health issues.

(g) The physical, developmental and emotional needs of the child. These children all exhibit emotional needs. Kimberly is also concerned that the baby is undergoing developmental needs as well.

(h) The nature of the relationship of the child with each parent. The children are very close and well bonded with Kimberly. It is believed that the children love Tamika because of her being their mom, however, they do not trust her the way that they trust Kimberly. They do not have the same open relationship with Tamika and they have a safety and security with Kimberly that they do not share with Tamika.

(i) The ability of the child to maintain a relationship with any sibling. The children should all remain together.

(j) Any history of parental abuse or neglect of the child or a sibling of the child. Kimberly believes that the children are physically and emotionally abused by Tamika, as well as being severely neglected when they are in her custody.

(k) Whether either parent or any other person seeking 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. Tamika and her sister were involved in a domestic violence relationship where a beating and arrest occurred a few years ago.

(l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. Kimberly still believes that at the

time Tamika fled to Michigan. it was the form of an abduction and that, at that time, Christopher was unaware. This was also the second time that Tamika fled Nevada and abducted the children to Michigan.

Kimberly believes that this Court will find that almost every factor weighs in her favor and that it is in the best interest of this Court to grant her custody of the minor children.

As stated previously, Kimberly is requesting that if the Court does not agree with her, that she is granted permission to re-open her guardianship action.

B. Tamika Should be Found in Contempt of Her Refusal to Comply With Kimberly's Ordered Phone Contact

In the Order from the February 24, 2021, hearing, entered March 29, 2021, Kimberly was awarded phone contact with the minor children on Tuesday and Thursday evenings, at 6:00 pm. or 6:30 p.m., at Page 2, lines 15-18.

The last for Kimberly's contact with the minor children, filed January 25, 2022, also awarded her temporary telephone contact with the minor children on Tuesday and Thursday evenings at 6:30 p.m., Michigan time, at Page 3, lines 17-19.

Since the children were returned to Tamika's custody, through April 26, Kimberly has had difficulty with compliance of this Order. There have been eight calls that have not occurred on the following days: February 8, 2022; March 1; March 3; March 8; March 15; March 24; April 5; and April 26.

Many of the other calls are limited to only speaking to one or two children and the duration is normally 60 or 90 seconds before Tamika terminates the call.

Not only is this behavior and the games Tamika is playing harmful to Kimberly, it is causing emotional damage to the children. The children want to keep and maintain their relationship and bond with Kimberly, yet Tamika interferes and makes every attempt to terminate it.

Nevada Civil Practice Manual §2732:

> *Contempt and arrest.* Disobedience of an order of the master or court in supplementary proceedings is contempt.

NRS 22.010:

> ***Acts or omissions continuing contempts.*** The following acts or omissions shall be deemed contempts:
>
> 3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

NRS 22.100 Penalty for contempt.

> 2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding $500 or the person may be imprisoned not exceeding 25 days, or both.
>
> 3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

This Court previously stated that if Tamika continued to disobey it's Orders it would issue another pickup Order, that is what Kimberly is requesting in lieu of other sanctions, however, if the Court is not inclined to issue a pick up Order, Kimberly is requesting that

this Court sanction Tamika appropriately, by awarding Kimberly a fine of $500 per count of contempt Tamika is found guilty of, and/or an award of attorney's fees for having her Orders violated once again.

C. Kimberly Should Be Awarded Attorney's Fees and Costs

This Court has the ability to award attorney's fees under NRCP 18.010, NRS 22.100, and EDCR 7.60.

With specific reference to Family Law matters, the Supreme Court has recently, re-adopted "well-known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services qualities, commonly referred to as the *Brunzell* factors:[10]

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

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

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

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

Each of these factors should be given consideration, and no one element should

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[10] *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

predominate or be given undue weight.[11] Additional guidance is provided by reviewing the "attorney's fees" cases most often cited in Family Law.[12]

The *Brunzell* factors require counsel to rather immodestly make a representation as to the "qualities of the advocate," the character and difficulty of the work performed, and the work ***actually*** performed by the attorney.

Ms. Molnar has practiced primarily family law for the last 17 years and has handled hundreds of custody, guardianship, and visitation cases.

As to the "character and quality of the work performed," we believe this *Opposition* is adequate, both factually and legally; we have diligently reviewed the applicable law, explored the relevant facts, and believe that we have properly applied one to the other.

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[11] *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

[12] Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973), *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980), *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

If this Court is inclined to grant Kimberly's requests, a Memorandum of Fees and Costs can be submitted.

DATED this 11th day of May, 2022.

Respectfully submitted by:
MOLNAR FAMILY LAW

/s/ Kari T. Molnar

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Intervenor

DECLARATION OF ATTORNEY

1. I, Kari T. Molnar, declare that I am competent to testify to the facts contained in the preceding filing.

2. I am the attorney retained to represent Kimberly White, the Intervenor, in this action.

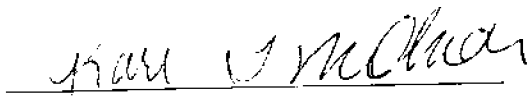
3. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

4. The Amended Opposition was filed as the information from the last filed Order granting Ms. White telephone contact with the minor children was not included in the Opposition that was filed on May 11.

5. No facts or other information was filed which is why this Declaration of Attorney, is being filed in lieu of another Declaration from Kimberly White.

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

EXECUTED this 12th day of May, 2022.



KARI T. MOLNAR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of the following *Amended Opposition and Countermotion* was electronically served on the 12th day of May, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@megannonlawoffice.com
jean@megannonlawoffice.com
efile@megannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Amended Opposition and Countermotion* was served on the 12th day of May, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

/s/ K. Molnar

Employee of Molnar Family Law

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05/23/2022 4:06 PM
CLERK OF THE COURT

SAO
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
Attorney for Plaintiff

DISTRICT COURT – FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S

STIPULATION AND ORDER TO CONTINUE JUNE 8, 2022, HEARING

Plaintiff, TAMIKA JONES, by and through her attorney, MARK McGANNON, ESQ., of the law firm of McGANNON LAW OFFICE and Intervenor, KIMBERLY WHITE by and through her attorney, KARI T. MOLNAR, ESQ., of MOLNAR FAMILY LAW hereby stipulate and agrees as follows:

IT IS HEREBY AGREED that the Hearing presently set for June 8, 2022, at 9:15 a.m. be

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continued to soonest available date soonest except for the following dates due to conflicts: June 1, 2022 thru June 14, 2022 and July 18, 2022.

DATED this 20th day of May 2022.

McGANNON LAW OFFICE, P.C.

/s/ Mark J. McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

MOLNAR FAMILY LAW

Kari T. Molnar
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Intervenor

ORDER

IT IS ORDERED that upon stipulation of counsel and good cause appearing therefore,

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that the Hearing currently set for June 8, 2022, at 9:15 a.m. shall be continued to June 16, 2022 at 10:15 a.m.

Dated this 23rd day of May, 2022

Vincent Ochoa

BDA E94 431D 7634
Vincent Ochoa
District Court Judge

Respectfully submitted by:

McGANNON LAW OFFICE, P.C.

/s/Mark J. McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 5/23/2022

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com

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Steven D. Grierson
CLERK OF THE COURT

NEO
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, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S

NOTICE OF ENTRY OF ORDER

Please take notice that "Stipulation and Order to Continue June 8, 2022, Hearing" in the above referenced case was duly entered on May 23, 2022, a copy of which is attached hereto and by reference fully incorporated herein and labeled as Exhibit 1.

DATED this 23rd day of May, 2022. 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

Certificate of Service

The undersigned hereby certifies that on the 23rd day of May, 2022, a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER was served to the following at their last known address(es), facsimile number and/or email/other electronic means, pursuant to Eighth Judicial District Court Administrative Order 14-2, Effective June 1, 2014, as identified in Rule 9 of the N.E.F.C.R. as having consented to electronic service, I served via e-mail or other electronic means (Wiznet) to the e-mail address(es) of the addressee(s).

ATTORNEY/PARTIES	EMAIL
Janice Jacovino	info@jacovinolaw.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Kristy Young	secretaryjvigoreauxlaw@gmail.com

/s/ Theresa D. Luciano

1

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SAO
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
Attorney for Plaintiff

DISTRICT COURT – FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S

STIPULATION AND ORDER TO CONTINUE JUNE 8, 2022, HEARING

Plaintiff, TAMIKA JONES, by and through her attorney, MARK McGANNON, ESQ., of the law firm of McGANNON LAW OFFICE and Intervenor, KIMBERLY WHITE by and through her attorney, KARI T. MOLNAR, ESQ., of MOLNAR FAMILY LAW hereby stipulate and agrees as follows:

IT IS HEREBY AGREED that the Hearing presently set for June 8, 2022, at 9:15 a.m. be

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continued to soonest available date soonest except for the following dates due to conflicts: June 1, 2022 thru June 14, 2022 and July 18, 2022.

DATED this 20th day of May 2022.

McGANNON LAW OFFICE, P.C.

/s/ Mark J. McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

MOLNAR FAMILY LAW

Kari T. Molnar
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Intervenor

ORDER

IT IS ORDERED that upon stipulation of counsel and good cause appearing therefore,

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that the Hearing currently set for June 8, 2022, at 9:15 a.m. shall be continued to June 16, 2022 at 10:15 a.m.

Dated this 23rd day of May, 2022

Vincent Ochoa

BDA E94 431D 7634
Vincent Ochoa
District Court Judge

Respectfully submitted by:

McGANNON LAW OFFICE, P.C.

/s/Mark J. McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

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Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com

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RPLY
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, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S Hearing Date: June 16, 2022 Hearing Time: 10:15 a.m. **ORAL ARGUMENT REQUESTED: YES**

PLAINTIFF'S REPLY TO OPPOSITION TO MOTION TO CONTINUE EVIDENTIARY HEARING AND OPPOSITION TO COUNTERMOTION TO PROCEED WITH ALLOWING THE INTERVENOR TO REQUEST CUSTODY OF THE MINOR CHILDREN OR/TO REINSTATE OR RE-OPEN THE GUARDIANSHIP CASE THAT WAS PREVIOUSLY INITITIATED BY THE INTERVENOR

COMES NOW, Plaintiff, TAMIKA BEATRICE JONES ("PLAINTIFF", "MOM" or "TAMIKA"), 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 her Reply to Opposition to Motion to Continue Evidentiary Hearing and Opposition to Countermotion to Proceed with Allowing the Intervenor to request Custody of the Minor Children or/to Reinstate or Re-Open the Guardianship Case That was previously Initiated by the Intervenor.

This Reply and Opposition is made and based upon all the Memorandum of Points and Authorities, papers and pleadings on file and oral arguments as allowed at the time of the hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Unfortunately, this is the case in which Kimberly White ("INTERVENOR" or "KIMBERLY"), the obsessed, delusional paternal grandmother, is inappropriately and without any legal basis seeking full custody of the Minor Children and she is willing to do anything and everything to get it, including filing specious, vexatious litigation after vexatious litigation and false applications for temporary protection order prohibiting any and all contact with the Minor Children from their MOM, who has been the most consistent parent since the day they were born. Natural Parents have constitutional rights in the care, custody and control of their children who cannot be taken away from them without extreme detrimental circumstances to the Minor Children. The Court system was designed to protect parents from individuals such as KIMBERLY, and TAMIKA respectfully requests that the Court protect her constitutional rights to her Minor Children.

II.

ADDITIONAL RECENT PERTINENT FACTS

The procedural facts in this matter have been previously set forth in detail in Plaintiff's Motion to Continue, as such to avoid needless duplication, Plaintiff respectfully requests the Court thoroughly review the facts set forth therein.

As the Court is aware, prior to the January 2022 hearings, INTERVENOR had never alleged any type of abuse and/or neglect of the Minor Children by TAMIKA. In fact, INTERVENOR's pleadings and actions to date sets forth her true intention that were never about visitation rights, but she disturbingly believes its in Minor Children's best interest that she be awarded **Sole** Physical Custody of the Minor Children without one iota of evidence to support this absurd claim and has been on a relentless pursuit and is willing to do or say anything in order to get it. As of the January 2022 hearings, the Court stated repeatedly that this is a grandparents visitation case and grandmother was granted the ability to intervene as to visitation and *not* custody. Importantly, the Court further stated that although it could give custody of a child to a nonparent if it serves the best interest of the child, however the Court further stated that *"all I am looking for right now is visitation for the grandparents. Obviously, counsel for grandparent's is talking more about change in custody, which is a difficult situation under Nevada law and very hard standard to meet and* ***I do not see any reason for it at this time****"* January 20, 2022, Time Stamp [10:43:10]. The Court further stated, "*I am not here to terminate custody of the parents. I wanted an agreement that grandmother was going to get visitation....*" January 20, 2022, Time Stamp [10:27:50]. "*I will give the attorney's one week to provide visitation under grandparent's rights, it is* ***not*** *a change of custody case it is just to provide some limited visitation...*" January 20, 2022, Time Stamp [10:35:30]

During the January 20, 2022 hearing, when it became apparent that the Court was going to allow the Minor Children to return to their mother so long as INTERVENOR was able to have out of state visitation, INTERVENOR's counsel misrepresented to the Court that Minor Children were now displaying severe anxiety and having nightmares at the thought of going home with their Mother. The Court then ordered that XYSHONE be referred to Family Mediation Center

(FMC) for a child interview that could be done in person or by video conference. Importantly, the FMC report, following the March 4, 2022, video conference interview did not reveal any abuse or neglect by their Mother or anxiety or fear of being with Mother.

A. NOTHING NEW

As stated previously, in an effort to keep the Minor Children from returning to Michigan, INTERVENOR claimed that someone had filed a claim of abuse and neglect with Michigan CPS and INTERVENOR advised the Nevada Court that Michigan CPS had been in contact with her and were investigating child neglect and abuse against TAMIKA and requested that she be given temporary custody of the Minor Children in Nevada. This was also a complete lie as it was INTERVENOR who was the one who initiated the Michigan CPS claim with false misrepresentations of abuse, and this was why Michigan CPS was contacting her. Notwithstanding, the Court denied the request and stated that "*if Michigan CPS has concerns, they shall submit documentation to this Court. The children shall return to Michigan unless the Nevada or Michigan CPS ask the children remain in Nevada*". **Importantly, Nevada FMC mediation, Nevada CPS and Michigan CPS performed and completed in person and at home inspections and have not substantiated any claims of child abuse or neglect by TAMIKA.** If they had, it is certain that Michigan CPS would have taken the Minor Children into custody and/or notified the Nevada court.

There are no new allegations of abuse or neglect of any kind. In fact, in INTERVENOR's own Ex Parte Application for and Order Shortening Time filed on April 18, 2022, there is not one mention of any "new" issues as disingenuously stated on page 4 of INTERVENOR's Opposition that states, "there were additional issues brought to light during Kimberly's most recent visitation with the children during their spring break. INTERVENOR is

simply vexatiously fabricating and grasping at anything and everything in a desperate attempt to obtain custody of these Minor Children from their natural mother. Intervenor's misrepresented allegations of poor living conditions, inadequate food supply and other outlandish accusations have all been thoroughly investigated and nothing was observed and/or substantiated by anyone especially Michigan/Nevada CPS. Furthermore, if INTERVENOR had such concerns of additional abuse and neglect why did she not contact CPS while she was in Michigan for her most recent visitation? Why because there is absolutely no basis to her contrived lies for which she should be sanctioned!

INTERVENOR is now simply grasping at straws and throwing anything against the wall to see if it will stick. For example, INTERVENOR now claims that she is being denied adequate phone contact hoping that if she is believed TAMIKA will be punished by the Court, however she provides no actual evidence of any such "missed" phone contact except her self-prepared phone log without any verification of authenticity. The truth is that it has been INTERVENOR that has deliberately missed her scheduled calls on numerous occasions or called outside the scheduled call times or had her mother call instead in attempt to make it appear that it is TAMIKA that is violating the Courts Orders regarding the schedule phone calls. With the exception of TAMIKA being hospitalized briefly, any missed calls were given make up calls. This is simply another attempt to misrepresent the facts and portray TAMIKA in a negative light to the Court. INTERVENOR's argument about allegedly not receiving her telephone calls with Minor Children is also completely hypocritical given her complete deprivation of telephonic access to TAMIKA while the Minor Children were in INTERVENOR's care! As the Court will recall, INTERVENOR cut off all communication with TAMIKA and the Minor Children for nearly 60 days and then filed a fraudulent TPO (Case No.T-21-219814-T) against TAMIKA

simply because TAMIKA was attempting to contact her Minor Children. TAMIKA was forced to file a Motion to Dissolve the TPO which was granted on the basis that a mother attempting to contact her children is not considered harassment.

Additionally, INTERVENOR never even mentions it in her April 18, 2022, Ex Parte Application for and Order Shortening Time. INTERVENOR has never contacted TAMIKA's counsel either through her counsel or herself when self-represented and communicated there were calls being missed. The fact is INTERVENOR, by her own choice began calling at undesignated times, had other family members calling at different times and failed to call at all.

B. GUARDIANSHIP

As with everything that INTERVENOR has filed with this Honorable Court her Countermotion is again littered with complete fabrication and misrepresentation of the facts. As INTERVENOR states in her Countermotion, there was a Guardianship filed by INTERVENOR on January 25, 2022, and that is accurate; however, it was voluntarily dismissed by the Intervenor/Petitioner only one day after it was filed and not dismissed due to lack of service as disingenuously misrepresented to the Court and to which they are now asking for the case to be reopened.

C. INTERVENOR CLAIMS SHE DOES NOT WANT CUSTODY

INTERVENOR unabashedly misrepresents during the January 21, 2022, hearing that she is not seeking to take custody of the Minor Children Time Stamp [2:21:58] *"I'm not worried about the visitation or anything I completely agree with that.* ***I never wanted custody*** *of the kids that is why I helped Christopher and Tamika a hundred percent, anything I could do to get them stable on their feet.* ***I don't want custody of the kids****. From* ***day one all I have asked you for is just visitation****. However, over the last week what came to light with the therapist is there's been*

some issues with physical abuse and neglect and now CPS in Michigan is calling me telling me there is problems with the two kids that are here and a problem with the child that is there. I am not quite sure what it is but…"

As can easily be seen from every Court document filed by her since her Motion to Intervene, in her eyes this entire case is about her wanting custody of the Minor Children at all costs even if it is to the extreme detriment of the Minor Children!

D. REQUEST FOR CONTINUANCE

As stated in TAMIKA's Motion to Continue, TAMIKA's counsel gave INTERVENOR as much notice as possible as to his recently discovered conflict. In fact, INTERVENOR was given over 90 days notice about the conflict; however, like usual, INTERVENOR failed to respond at all and did not even attempt to work with TAMIKA's counsel in order to work with the Court on alternative options that may have been available. Unfortunately, TAMIKA's counsel has no control over the Court's trial availability. However, considering the trial was set for grandparent visitation only and INTERVENOR was given out of state visitation pending trial she is would not be prejudiced whatsoever by the continuance. In light of the fact, that she conveniently claims at times that she never wanted custody of the Minor Children in the first place and CPS has not substantiated any of the allegations that were made previously it seems reasonable to grant the continuance for that reason alone.

III.

LEGAL ARGUMENT

A. OPPOSITION

Plaintiff had valid, good cause reasons necessitating the request for continuing the July evidentiary Hearing which were set forth in her Motion: "Plaintiff's counsel had notified INTERVENOR and her counsel over 90 days in advance that Plaintiff's counsel would be out of

the country attending a wedding. Additional discovery is also needed once the Michigan CPS report is produced and even more importantly the paternity of the youngest Minor Child, XIONNE JUDSON needs to be resolved."

Instead of addressing the reasons given by Plaintiff in her Motion and the cases cited, INTERVENOR merely attempts to take yet another jab at requesting custody of the Minor Children who are thriving in Michigan, again without submitting any type of evidence that any type of abuse or neglect has taken place. Pursuant to Rule 5.503. (a) Every motion, opposition, countermotion, and reply shall include points and authorities supporting each position asserted. Points and authorities lacking citation to relevant authority, or consisting of bare citations to statutes, rules, or case authority, do not comply with this rule. The absence or deficiency of points and authorities may be construed as an admission that the filing is not meritorious, as cause for denial of all positions not supported.

Again, there is also no prejudice to INTERVENOR in continuing the Evidentiary Hearing as all the Court set the matter as to only grandparent visitation and at this time INTERVENOR has been awarded temporary visitation. Thus, Plaintiff's request for Continuance of the Evidentiary Hearing in the absence of any authority or argument and for the valid reasons set forth, should be granted.

B. COUNTERMOTION

1. INTEVENOR'S REQUEST FOR CUSTODY

Importantly, as **previously** brought to this Court's attention under well established Nevada law, INTERVENOR is not entitled to either physical custody. In Nevada usually, only parents can ask for custody of a child. However, non-parents can apply to the court for visitation or guardianship of a child.

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

"In determining the custody of a minor child, 'the sole consideration of the court is the best interest of the child.' According to NRS 125.480(3), unless the child's best interest requires otherwise, the district court shall award custody in the following order of preference:

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

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

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

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

Further, Nevada's guardianship statute provides that the **parents or either parent** of a minor child, 'if qualified and suitable, are preferred over all others for appointment as guardian for the minor.' Interpreting the former version of these two statutes, we have concluded that they create **'a rebuttable presumption that a fit parent is to be preferred over nonparents with respect to child custody.' We have also stated that '[t]he best interest of the child is usually served by awarding his custody to a fit parent.' The so-called parental preference doctrine recognizes that <u>a parent has a constitutionally protected liberty interest in the care,</u>**

custody, and control of his or her child. Based upon this liberty interest, NRS 125.500(1) requires that the court 'make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child' before the district court awards custody to a nonparent without the consent of the parents." *Id.* (Emphasis added.)

Importantly, INTERVENOR's initial misrepresentations of parental unfitness (not abuse) in her motion for Intervention were completely unsupported by any evidence of abuse, neglect, abandonment and certainly no records of any police or CPS involvement. Moreover, her self-serving recitation of the things that INTERVENOR provided for the benefit of the Minor Children were no more than what any other child's grandparents would do. Counsel for Plaintiff repeatedly pointed this out to the Court; so low and behold INTERVENOR started attempting to fabricate a neglect and abuse case against TAMIKA, the natural mother of the Minor Children by initiating and making false reports to CPS and the Court. After again previously pleading her case to the Court in January 2022 for custody, the Court clarified that it "***will not terminate custody of the parents***". Then in a last-ditch effort, KIMBERLY took things even further and filed a false claim of abuse and neglect with Michigan CPS and advised the Nevada Court that Michigan CPS had been in contact with her and were investigating child neglect and abuse against TAMIKA and requested that she be given temporary custody of the Minor Children in Nevada. The Court **denied the request** and stated that "*if Michigan CPS has concerns, they shall submit documentation to this Court. The children shall return to Michigan unless the Nevada or Michigan CPS ask the children remain in Nevada*".

Notwithstanding, that neither Michigan nor Las Vegas CPS has made any type of finding of neglect or abuse, INTERVENOR when she was temporarily granted primary custody went so

far as to inappropriately retain the services of a therapist without MOM's or the Court's permission for the sole purpose of attempting to further fabricate an abuse and neglect case against the natural mother.

Rule 5.305. entitled: **Expert testimony and reports.** Explicitly states:

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a therapist, counselor, psychologist, or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties, or pursuant to the procedure prescribed by the NRCP.

Nevertheless, after INTERVENOR protested to the Court in January that she never sought custody of the Minor Children she now spuriously attempts to submit inadmissible evidence obtained from a therapist without Court or parental permission in blatant contravention of this Court's rules. Hence, in this matter, INTERVENOR has her own false unsubstantiated allegations, the inadmissible false allegations from inappropriately obtained expert, but nothing from either CPS, FMC or law enforcement investigations! Therefore, there is nothing admissible in the record that would support removing the Minor Children from their Natural Parent's custody under well-established Nevada law.

A district court must hold an evidentiary hearing on a request to modify custodial orders if the moving party demonstrates "adequate cause." *Arcella v. Arcella*, 407 P.3d 341 (Nev. 2017), *quoting*, *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123, 124 (1993). "'Adequate cause' requires something more than allegations which, if proven, might permit inferences sufficient to establish grounds for a custody change." "Adequate cause arises where the moving party presents a prima facie case" that the requested relief is in the child's best interest. To

demonstrate a prima facie case, a movant must show that "(1) the facts alleged in the affidavits are relevant to the [relief requested]; and (2) the evidence is not merely cumulative or impeaching." Rooney, *supra*, 853 P.2d at 124.

As such her completely unsubstantiated allegations do not even support an evidentiary hearing on whether she is entitled to any type of custodial rights. Nevada law simply does not allow a grandparent or other third-party the right to strip the custody rights away from the natural parents just because they feel they could serve as better parents without substantial evidence of abuse or neglect or that the natural parents were truly unfit parents! To allow this matter to proceed further without immediate Court intervention would be a manifest denial of the Natural Parents rights to liberty and justice while opening up the flood gates for inappropriate third-party custodial intervention claims! "The United States Supreme Court has recognized several fundamental interests including the interest of parents in the care, custody, and control of their children." Rico v. Rodriguez, 121 Nev. 695, 704 120 P.3d 812, 818 (2005).

Thus, the Court should deny INTERVENOR's Motion for failing to establish adequate cause. The "new" evidence is cumulative at best and is insufficient to justify an evidentiary hearing to in essence terminate TAMIKA's constitutionally protected parental rights, and INTERVENOR should be severely sanctioned for her continued vexatious attempts, through her fourth counsel, to steal the Minor Children from their natural mother.

2. INTERVENOR'S REQUEST FOR CONTMEPT

Further in regard to INTERVENOR's Countermotion for Contempt, as the Court is aware, NRS 22.030 entitled: "**Summary punishment of contempt committed in immediate view and presence of court; affidavit or statement to be filed when contempt committed outside immediate view and presence of court; disqualification of judge**" states in pertinent

part as follows: 2. If a contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the masters or arbitrators.

Further, Rule 5.510. **"Motions and procedure for orders to show cause"** states in pertinent part: (a) A motion seeking an Order to Show Cause (OSC) for contempt must be accompanied by a detailed affidavit complying with NRS 22.030(2) that identifies the specific provisions, pages and lines of the existing order(s) alleged to have been violated, the acts or omissions constituting the alleged violation, any harm suffered or anticipated, and the need for a contempt ruling, which should be filed and served as any other motion. (b) The party seeking the OSC shall submit an ex parte application for issuance of the OSC to the court, accompanied by a copy of the filed motion for OSC and a copy of the proposed OSC.

The Nevada Supreme Court has clearly indicated that a motion alleging contemptuous conduct must be supported by a written affidavit detailing contemptuous behavior when the complained of conduct is not committed in the immediate view and presence of the court or judge in chambers. *Awad v. Wright*, 106 Nev. 407, 794 P.2d 713 (1990). With INTERVENOR having failed to submit a jurisdictional affidavit specifically outlining any of the contempt by TAMIKA and having failed to cite any specific orders that he is alleging have been violated by page number and line number as required by EDCR 5.510, her present request for contempt is jurisdictionally defective and frivolous in nature and should be denied in its entirety.

Thus, pursuant to NRS 22.030 and EDCR 5.510(a), INTERVENOR's lack of affidavit/declaration is absolutely legally deficient, and INTERVENOR's request should be

denied and she should be aggressively sanctioned.[1]

C. ATTORNEY'S FEES

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

NRS 18.010 Award of attorney's fees.

1. The compensation of an attorney and counselor for his or her services is governed by agreement, express or implied, which is not restrained by law.
2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
(a) When the prevailing party has not recovered more than $20,000; or
(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. **It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.**
3. In awarding attorney's fees, the court may pronounce its decision on the fees at the conclusion of the trial or special proceeding without written motion and with or without presentation of additional evidence.
4. Subsections 2 and 3 do not apply to any action arising out of a written instrument or agreement which entitles the prevailing party to an award of reasonable attorney's fees. (Emphasis added.)

NRS 7.085 entitled: "**Payment of additional costs, expenses and attorney's fees by attorney who files, maintains or defends certain civil actions or extends civil actions in certain circumstances**" states:
1. If a court finds that an attorney has:
(a) Filed, maintained or defended a civil action or proceeding in any court in this State and such action or defense is not well-grounded in fact or is not warranted by existing law or by an

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[1] At trial on whether INTERVENOR should be allowed grandparent visitation rights, Plaintiff will introduce evidence on the complete deprivation of telephonic access TAMIKA was maliciously allowed with her Minor Children while in INTERVENOR's care!

argument for changing the existing law that is made in good faith; or

(b) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State, the court **shall** require the attorney personally to pay the additional costs, expenses and attorney's fees reasonably incurred because of such conduct.

2. The court **shall** liberally construe the provisions of this section in favor of awarding costs, expenses and attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award costs, expenses and attorney's fees pursuant to this section and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public. (Emphasis added.)

Importantly, **EDCR Rule 7.60**. entitled: "**Sanctions**" states:

(a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, at the time set for the hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or party of costs, in such amount as the court may fix, to the clerk or to the adverse party.

(2) Payment by the delinquent attorney or party of the reasonable expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.

(4) Any other action it deems appropriate, including, without limitation, imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) Fails to prepare for a presentation.

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

As set forth in EDCR 7.60, NRS 7.085, NRS 18.010 and NRS 125.250, this Court has discretion to award attorney's fees for the cost and expense of Plaintiff having to defend and prosecute vexatious allegations, and fraudulent misrepresentations and contemptuous behavior with the Court. Based on the above egregious facts, it is requested that the INTERVENOR be ordered to pay attorney's fees for the cost and expense of having to respond to this matter with the Court.

IV.

CONCLUSION

WHEREFORE, it is in the best interest of the Minor Children that the INTERVENOR's malicious Motion be denied in its entirety, including Plaintiff be awarded all of her attorney's fees and INTERVENOR be severely sanctioned for her continued vexatious attempts to inappropriately take away her constitutionally protected parental rights. Further, Plaintiff's Motion to Continue the Evidentiary Hearing on grandparent rights should be continued until the Court's next open trial date.

Dated this 31st day of May 2022.

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 Defendant

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 PLAINTIFF'S REPLY TO OPPOSITION TO MOTION TO CONTINUE EVIDENTIARY HEARING AND OPPOSITION TO COUNTERMOTION TO PROCEED WITH ALLOWING THE INTERVENOR TO REQUEST CUSTODY OF THE MINOR CHILDREN OR/TO REINSTATE OR RE-OPEN THE GUARDIANSHIP CASE THAT WAS PREVIOUSLY INITITIATED BY THE INTERVENOR was made on this 1st day of June 2022, 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
KARI T. MOLNAR, ESQ. Nevada Bar No. 009869 1489 W. Warm Springs Road, Suite 110 Henderson, Nevada 89014 (702) 534-2558 Attorney for Intervenor	Email: kari@molnarfamilylaw.com
Christopher Judson 1309 N 22nd Street #3 Las Vegas, Nevada 89101 Defendant	

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

Electronically Filed
9/14/2022 7:28 AM
Steven D. Grierson
CLERK OF THE COURT

MOT
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558; FAX (702) 964-1373
Attorney for Intervenor

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, Plaintiff, vs. CHRISTOPHER CHARLES JUDSON, Defendant, vs. KIMBERLY WHITE, Intervenor.	CASE NO: D-19-594413-C DEPT. NO: S DATE OF HEARING: TIME OF HEARING: No appearance

ORAL ARGUMENT REQUESTED: Yes __ No _X__

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

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

Kari T. Molnar, Esq., attorney for the Intervenor, Kimberly White, petitions

this Honorable Court for an *Order* permitting her to withdraw as counsel of record on the grounds set forth in the attached Declaration, the Memorandum of Points and Authorities, pleadings, papers, and documents on file herein.

NOTICE OF MOTION

TO: TAMIKA JONES, Plaintiff;

TO: MARK MCGANNON, ESQ.;

TO: CHRISTOPHER JUDSON, Defendant; and

TO: KIMBERLY WHITE, Intervenor.

YOU AND EACH OF YOU will please take notice that the foregoing Motion will be heard in the Family Courts & Services Center, 601 N. Pecos, Las Vegas, Nevada 89101, on the ___ day of _____, 2022, at the hour of ___ o'clock __.M. during this Court's chambers calendar, and, therefore, no appearance is necessary at the hearing.

POINTS AND AUTHORITIES

I. FACTS

The Intervenor, Kimberly White, notified counsel to stop all work on the case, therefore, counsel ensured that the outstanding order from the June hearing was submitted to this Court for review and signature. The Plaintiff's counsel submitted a competing order, and both orders are currently under review.

At this time, there is nothing outstanding during the time counsel represented Ms. White and based on Ms. White's direction, counsel is prohibitted from continuing any work on this matter and an Order from this Court is necessary.

II. GOVERNING LAW AND ARGUMENT

Pursuant to Nevada Supreme Court Rule 46:

The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

1. Upon consent of the attorney, approved by the client.

2. Upon the ***order of the court*** or judge thereof on the ***application of the attorney*** or the client.

[Emphasis added.]

At this time, counsel cannot represent Ms. White further in this matter and she respectfully asks this Court to grant the motion to withdraw from this case.

Ms. White's last known address is 10461 Hartford Hills Avenue, Las Vegas, Nevada 89166, her email address is kwhite_writer@hotmail.com, and her phone number is (702) 534-9692.

III. CONCLUSION

Because Ms. White has directed counsel to do no further work on her case, the Order granting withdrawal is necessary.

DATED this 14th day of September, 2022.

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Ste 110
Henderson, Nevada 89014
(702) 534-2558
Attorney for Interviewee

DECLARATION OF ATTORNEY

1. I, Kari T. Molnar, Esq., declare that I am competent to testify to the facts contained in the proceeding filing.

2. I am the attorney of record for the Intervenor. Kimberly White, and I am duly licensed to practice law in the State of Nevada.

3. I have read the preceding filing, and it is true to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

4. Based on Ms. White's notice to immediately stop working on her case, counsel needs to withdraw.

5. I have read the preceding filing, and it is true to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

6. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

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

EXECUTED this 14th day of September. 2022.

KARI T. MOLNAR, ESQ.

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Tamika Jones
Plaintiff/Petitioner

v.

Christopher Judson
Defendant/Respondent

Case No. D-19-594413-C

Dept. 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.

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

-OR-

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

- ☑ The Motion/Opposition is being filed before a Divorce Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____
- ☐ Other Excluded Motion (must specify) _____

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

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

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

-OR-

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

-OR-

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

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

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

☑ **$0** ☐ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154** _____

Party filing Motion/Opposition: K. Molnar Date 09/14/2022

Signature of Party or Preparer /s/ K. Molnar

Electronically Filed
9/14/2022 8:01 AM
Steven D. Grierson
CLERK OF THE COURT

NOTC
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Ste. 110
Henderson, Nevada 89014
Phone (702) 534-2558; Fax (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Motion to Withdraw as Attorney of Record* was served on the 14th day of September, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

Kimberly White
10461 Hartford Hills Ave.
Las Vegas, Nevada 89166
Intervenor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of a copy of the *Motion to Withdraw as Attorney of Record* was electronically served on the 14th day of September, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
efile@mcgannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

/s/ K. Molnar

_____

Employee of Molnar Family Law

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Appearance* was served on the 19th day of April, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of a copy of the *Notice of Appearance* was electronically served on the 19th day of April, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
cfile@mcgannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

/s/ K. Molnar

_____
Employee of Molnar Family Law

Electronically Filed
09/14/2022 8:46 AM
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, Plaintiff, v. CHRISTOPHER CHARLES JUDSON, Defendant, KIMBERLY WHITE, Intervenor.	CASE NO.: D-19-594413-C DEPT NO.: S Hearing Date: June 16, 2022 Hearing Time: 10:15 a.m.

ORDER FROM THE JUNE 16, 2022, HEARING

The matter came before the Court for *PLAINTIFF'S MOTION TO CONTINUE EVIDENTIARY HEARING; and INTERVENOR'S OPPOSITION TO MOTION TO CONTINUE THE EVIDENTIARY HEARING AND COUNTERMOTION FOR THE COURT TO PROCEED WITH ALLOWING THE INTERVENOR TO REQUEST CUSTODY OF THE MINOR CHILDREN/OR TO REINSTATE OR RE-OPEN THE GUARDIANSHIP CASE THAT WAS PREVIOUSLY INITIATED BY THE INTERVENOR* on June 16, 2022, at 10:15 a.m., before the Honorable VINCENT OCHOA in Department S of the above-entitled Court. Plaintiff, TAMIKA JONES, was present with her counsel, MARK J. McGANNON, ESQ. of the McGANNON LAW OFFICE, P.C., appearing in an unbundled capacity via BlueJeans video

conferencing, and Intervenor, KIMBERLY WHITE, was also present with her counsel, KARI T. MOLNAR, ESQ. of the MOLNAR FAMILY LAW, appearing via BlueJeans video conferencing.

THE COURT CALLED THE CASE: Discussion took place regarding the Summer Vacation. Attorney Molnar explained that the current visitation with the grandmother is set for two weeks during the summer. Attorney McGannon stated the Minor Children were residing in Michigan. Plaintiff verified her address in Michigan at 21014 Reimanville Avenue, Ferndale, MI 48220, where she has lived for the last two years.

THE COURT HEARD: Attorney McGannon request Paternity tests on all the children to determine if they are full siblings and discovery. Attorney McGannon stated that the potential fathers are apparently unwilling to participate. Attorney Molnar addressed the signature on the Defendant's Affidavit, stating that it did not resemble his signature from other documents.

THE COURT HEARD: Attorney Molnar request that the Court under *Lawrimore* and *Hudson* grant grandmother temporary custody based on allegations that mom does not provide adequate care for the minor children, including lack of dental care, medical care, and mental health care. Attorney Molnar argued that the Child Interview shows that the oldest child wants to be in grandma's care and his concerns were for the youngest child that was never sent to visitation. Attorney Molnar further argued that under NRS 126, the paternity statute, DAD had 60 days to disestablish his paternity, and no alleged father is coming forward to disestablish paternity. [TIMESTAMP 10:57:00-11:00:20].

THE COURT HEARD: Attorney McGannon argue that Intervenor had all of this evidence before the January Hearing, and that Intervenor had improperly submitted a therapy report at that time in contravention of EDCR 5.305 and obtained a therapist to give an expert opinion in this case without any approval of the Court or the parents which is unacceptable; this is INTERVENOR's biased person's report. Attorney McGannon further argued that there is no legitimate evidence to prove those allegations, in addition to a comprehensive FMC interview and CPS report which found everything unsubstantiated and, therefore, does not necessitate an evidentiary hearing [TIMESTAMP 11:00:20-11:01:25]. Attorney McGannon argued that it was

clearly stated in the Michigan CPS report, grandmother instigated by contacting CPS and there continues to be no evidence of any signs of neglect or abuse. Mr. McGannon argued that this is getting vexatious, it is the third time she has attempted to get custody and it cannot be tolerated as TAMIKA has constitutional rights [TIMESTAMP 11:01:25-11:02:27].

THE COURT CONFIRMED: with Plaintiff's counsel that Father resides in Nevada. Plaintiff agrees to provide Father's address to Attorney McGannon to provide to Attorney Molnar [TIMESTAMP 11:03:00-11:03:40].

THE COURT NOTED: It is very difficult to change custody from one parent or two parents, when both parents have agreed that mother should have the children. The Court also granted INTERVENOR'S Motion for Intervention as to grandparent rights not as to custody rights [TIMESTAMP 11:05:09-11:06:00].

THE COURT FURTHER NOTED: It has always looked at this as a grandparent's rights case only, and if INTERVENOR thinks it is different that is fine, but the record is that DAD has agreed that MOM shall have the children and gave permission for her to relocate to Michigan; Michigan and Nevada has investigated and there have been no substantiation of any issues so INTERVENOR can file her Complaint if she has the grounds [TIMESTAMP 11:06:22-11:06:55].

THE COURT HEARD: Attorney McGannon further argues that there is a large income disparity between both Parties and his concerns that with Grandmother's numerous vexatious attempts to gain custody, when nothing has changed, Plaintiff's attorney's fees have become costly, and the Court should award attorney's fees and costs if that is what the Court determines [TIMESTAMP 11:08:00-11:08:25].

THE COURT NOTED: attorney's fees and sanctions are a possibility. The Court further advised Plaintiff to contact Southern Nevada Legal Services to see if they would like to help on the case because of her limited income [TIMESTAMP 11:08:25-11:08:38].

THE COURT FURTHER NOTED: its concerns about whether this Court has Jurisdiction because MOM and the children reside in Michigan [TIMESTAMP 11:09:00-11:09:15].

THE COURT ORDERED:

Court re-confirmed that per the Orders filed and entered on January 25, 2022, Grandmother/Intervenor shall have her Summer Visitation with the Minor Children from July 11, 2022 until July 25, 2022; Grandmother/Intervenor shall pay for the transportation of the Minor Children to and from Las Vegas [TIMESTAMP 10:53:00-10:53:05]; and Grandmother/Intervenor shall also provide Plaintiff with the ticket information, the time, where she is taking the Minor Children, and a telephone number to reach in case of an emergency, the address, whether she is going to stay in Michigan or come back to Nevada. This is all information mother is entitled to [TIMESTAMP 11:11:30-11:11:55].

THE COURT FURTHER ORDERED: that Grandmother/Intervenor's custody request is DENIED. Grandmother/Intervenor may file a new complaint for custody, explain the reasons, and the cases will be consolidated.

THE COURT FURTHER ORDERED: that Plaintiff shall provide Defendant's address to her attorney, Mr. McGannon, and he shall provide the information to Attorney Molnar.

THE COURT FURTHER ORDERED: Attorney McGannon shall prepare an Order for Paternity Test for the three Minor Children, XYSHONE JUDSON, born November 20, 2011; XAIA JUDSON born August 13, 2015; and XIONNE JUDSON born May 3, 2019, and should the Father not be located, Grandmother/Intervenor may be tested.

THE COURT FURTHER ORDERED: The Evidentiary Hearing is reset from July 22, 2022, to February 3, 2023, at 9:00 a.m., and no further continuations shall be permitted.

THE COURT FURTHER ORDERED: Discovery may be done. Any discovery issue will be dealt with the Discovery Commissioner.

THE COURT FURTHER ORDERED: The Return Hearing is also set for February 3, 2023, at 9:00 a.m.

THE COURT FURTHER ORDERED: Attorney McGannon shall prepare the order

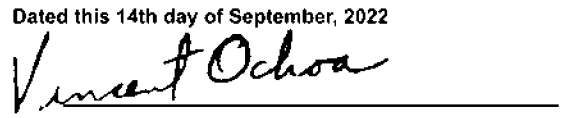
/ / /

/ / /

from today's hearing; Attorney Molnar shall review and countersign.

IT IS SO ORDERED

Dated this 14th day of September, 2022



80B DB2 3E90 B547
Vincent Ochoa
District Court Judge

Prepared and Submitted by:

McGANNON LAW OFFICE, P.C.

/s/ Mark McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

Approved as to form and content:

MOLNAR FAMILY LAW

/s/
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, NV 89014
Attorney for Intervenor

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 9/14/2022

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com

Electronically Filed
9/14/2022 10:10 AM
Steven D. Grierson
CLERK OF THE COURT

NOE
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, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S **NOTICE OF ENTRY OF ORDER**

Please take notice that an Order from June 16, 2022, Hearing was duly entered in the above referenced case on the 14th day of September 2022, a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 14th day of September 2022.

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

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 **NOTICE OF ENTRY OF ORDER** was made on this 14th day of September 2022, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), EDCR 5.206, and EDCR Part VIII, *et seq.*, 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
KARI T. MOLNAR, ESQ. Nevada Bar No. 009869 1489 W. Warm Springs Road, Suite 110 Henderson, Nevada 89014 (702) 534-2558 Attorney for Intervenor	Email: kari@molnarfamilylaw.com
Christopher Judson 1309 N 22nd Street #3 Las Vegas, Nevada 89101 Defendant	

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

ELECTRONICALLY SERVED
9/14/2022 8:47 AM

Electronically Filed
09/14/2022 8:46 AM
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, Plaintiff, v. CHRISTOPHER CHARLES JUDSON, Defendant, KIMBERLY WHITE, Intervenor.	CASE NO.: D-19-594413-C DEPT NO.: S Hearing Date: June 16, 2022 Hearing Time: 10:15 a.m.

ORDER FROM THE JUNE 16, 2022, HEARING

The matter came before the Court for *PLAINTIFF'S MOTION TO CONTINUE EVIDENTIARY HEARING; and INTERVENOR'S OPPOSITION TO MOTION TO CONTINUE THE EVIDENTIARY HEARING AND COUNTERMOTION FOR THE COURT TO PROCEED WITH ALLOWING THE INTERVENOR TO REQUEST CUSTODY OF THE MINOR CHILDREN/OR TO REINSTATE OR RE-OPEN THE GUARDIANSHIP CASE THAT WAS PREVIOUSLY INITIATED BY THE INTERVENOR* on June 16, 2022, at 10:15 a.m., before the Honorable VINCENT OCHOA in Department S of the above-entitled Court. Plaintiff, TAMIKA JONES, was present with her counsel, MARK J. McGANNON, ESQ. of the McGANNON LAW OFFICE, P.C., appearing in an unbundled capacity via BlueJeans video

conferencing, and Intervenor, KIMBERLY WHITE, was also present with her counsel, KARI T. MOLNAR, ESQ. of the MOLNAR FAMILY LAW, appearing via BlueJeans video conferencing.

THE COURT CALLED THE CASE: Discussion took place regarding the Summer Vacation. Attorney Molnar explained that the current visitation with the grandmother is set for two weeks during the summer. Attorney McGannon stated the Minor Children were residing in Michigan. Plaintiff verified her address in Michigan at 21014 Reimanville Avenue, Ferndale, MI 48220, where she has lived for the last two years.

THE COURT HEARD: Attorney McGannon request Paternity tests on all the children to determine if they are full siblings and discovery. Attorney McGannon stated that the potential fathers are apparently unwilling to participate. Attorney Molnar addressed the signature on the Defendant's Affidavit, stating that it did not resemble his signature from other documents.

THE COURT HEARD: Attorney Molnar request that the Court under *Lawrimore* and *Hudson* grant grandmother temporary custody based on allegations that mom does not provide adequate care for the minor children, including lack of dental care, medical care, and mental health care. Attorney Molnar argued that the Child Interview shows that the oldest child wants to be in grandma's care and his concerns were for the youngest child that was never sent to visitation. Attorney Molnar further argued that under NRS 126, the paternity statute, DAD had 60 days to disestablish his paternity, and no alleged father is coming forward to disestablish paternity. [TIMESTAMP 10:57:00-11:00:20].

THE COURT HEARD: Attorney McGannon argue that Intervenor had all of this evidence before the January Hearing, and that Intervenor had improperly submitted a therapy report at that time in contravention of EDCR 5.305 and obtained a therapist to give an expert opinion in this case without any approval of the Court or the parents which is unacceptable; this is INTERVENOR's biased person's report. Attorney McGannon further argued that there is no legitimate evidence to prove those allegations, in addition to a comprehensive FMC interview and CPS report which found everything unsubstantiated and, therefore, does not necessitate an evidentiary hearing [TIMESTAMP 11:00:20-11:01:25]. Attorney McGannon argued that it was

clearly stated in the Michigan CPS report, grandmother instigated by contacting CPS and there continues to be no evidence of any signs of neglect or abuse. Mr. McGannon argued that this is getting vexatious, it is the third time she has attempted to get custody and it cannot be tolerated as TAMIKA has constitutional rights [TIMESTAMP 11:01:25-11:02:27].

THE COURT CONFIRMED: with Plaintiff's counsel that Father resides in Nevada. Plaintiff agrees to provide Father's address to Attorney McGannon to provide to Attorney Molnar [TIMESTAMP 11:03:00-11:03:40].

THE COURT NOTED: It is very difficult to change custody from one parent or two parents, when both parents have agreed that mother should have the children. The Court also granted INTERVENOR'S Motion for Intervention as to grandparent rights not as to custody rights [TIMESTAMP 11:05:09-11:06:00].

THE COURT FURTHER NOTED: It has always looked at this as a grandparent's rights case only, and if INTERVENOR thinks it is different that is fine, but the record is that DAD has agreed that MOM shall have the children and gave permission for her to relocate to Michigan; Michigan and Nevada has investigated and there have been no substantiation of any issues so INTERVENOR can file her Complaint if she has the grounds [TIMESTAMP 11:06:22-11:06:55].

THE COURT HEARD: Attorney McGannon further argues that there is a large income disparity between both Parties and his concerns that with Grandmother's numerous vexatious attempts to gain custody, when nothing has changed, Plaintiff's attorney's fees have become costly, and the Court should award attorney's fees and costs if that is what the Court determines [TIMESTAMP 11:08:00-11:08:25].

THE COURT NOTED: attorney's fees and sanctions are a possibility. The Court further advised Plaintiff to contact Southern Nevada Legal Services to see if they would like to help on the case because of her limited income [TIMESTAMP 11:08:25-11:08:38].

THE COURT FURTHER NOTED: its concerns about whether this Court has Jurisdiction because MOM and the children reside in Michigan [TIMESTAMP 11:09:00-11:09:15].

THE COURT ORDERED:

Court re-confirmed that per the Orders filed and entered on January 25, 2022, Grandmother/Intervenor shall have her Summer Visitation with the Minor Children from July 11, 2022 until July 25, 2022; Grandmother/Intervenor shall pay for the transportation of the Minor Children to and from Las Vegas [TIMESTAMP 10:53:00-10:53:05]; and Grandmother/Intervenor shall also provide Plaintiff with the ticket information, the time, where she is taking the Minor Children, and a telephone number to reach in case of an emergency, the address, whether she is going to stay in Michigan or come back to Nevada. This is all information mother is entitled to [TIMESTAMP 11:11:30-11:11:55].

THE COURT FURTHER ORDERED: that Grandmother/Intervenor's custody request is DENIED. Grandmother/Intervenor may file a new complaint for custody, explain the reasons, and the cases will be consolidated.

THE COURT FURTHER ORDERED: that Plaintiff shall provide Defendant's address to her attorney, Mr. McGannon, and he shall provide the information to Attorney Molnar.

THE COURT FURTHER ORDERED: Attorney McGannon shall prepare an Order for Paternity Test for the three Minor Children, XYSHONE JUDSON, born November 20, 2011; XAIA JUDSON born August 13, 2015; and XIONNE JUDSON born May 3, 2019, and should the Father not be located, Grandmother/Intervenor may be tested.

THE COURT FURTHER ORDERED: The Evidentiary Hearing is reset from July 22, 2022, to February 3, 2023, at 9:00 a.m., and no further continuations shall be permitted.

THE COURT FURTHER ORDERED: Discovery may be done. Any discovery issue will be dealt with the Discovery Commissioner.

THE COURT FURTHER ORDERED: The Return Hearing is also set for February 3, 2023, at 9:00 a.m.

THE COURT FURTHER ORDERED: Attorney McGannon shall prepare the order

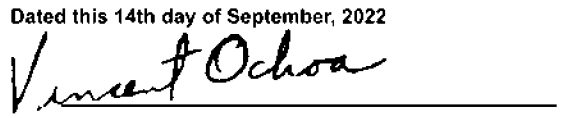
/ / /

/ / /

from today's hearing; Attorney Molnar shall review and countersign.

IT IS SO ORDERED

Dated this 14th day of September, 2022



80B DB2 3E90 B547
Vincent Ochoa
District Court Judge

Prepared and Submitted by:

McGANNON LAW OFFICE, P.C.

/s/ Mark McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

Approved as to form and content:

MOLNAR FAMILY LAW

/s/
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, NV 89014
Attorney for Intervenor

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 9/14/2022

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com

Electronically Filed
9/23/2022 3:37 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Tamika Beatrice Jones, Plaintiff. vs. Christopher Charles Judson, Defendant.	Case No.: D-19-594413-C Department S

NOTICE OF HEARING

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

Date: November 01, 2022

Time: No Appearance Required

Location: Courtroom 07
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ 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

Electronically Filed
9/26/2022 7:56 AM
Steven D. Grierson
CLERK OF THE COURT

NOTC
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Ste. 110
Henderson, Nevada 89014
Phone (702) 534-2558; Fax (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor

DISTRICT COURT

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, Plaintiff, vs. CHRISTOPHER CHARLES JUDSON, Defendant, vs. KIMBERLY WHITE, Intervenor.	CASE NO: D-19-594413-C DEPT: S DATE OF HEARING: 11/01/2022 TIME OF HEARING: No appearance required.

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Hearing of Motion to Withdraw as Attorney of Record* was served on the 26th day of September, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

Kimberly White
10461 Hartford Hills Ave.
Las Vegas, Nevada 89166
Intervenor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of a copy of the *Notice of Hearing of Motion to Withdraw as Attorney of Record* was electronically served on the 26th day of September, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
efile@mcgannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

/s/ K. Molnar

_____

Employee of Molnar Family Law

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Appearance* was served on the 19th day of April, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of a copy of the *Notice of Appearance* was electronically served on the 19th day of April, 2022, pursuant to NEFCR 9(d), by electronic service through the Eighth Judicial District Court's e-Filing System (EFS), addressed to the following registered users:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
efile@mcgannonlawoffice.com
Attorney for Plaintiff

tamikaj8092@gmail.com
Plaintiff

/s/ K. Molnar

Employee of Molnar Family Law

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10/19/2022 3:41 PM
CLERK OF THE COURT

ORDR
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road. Ste. 110
Henderson, Nevada 89014
Phone (702) 534-2558; Facsimile (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor, Kimberly White

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

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

ORDER GRANTING WITHDRAWAL

This matter came before the Hon. Vincent Ochoa, Eighth Judicial District Court, Family Division on Kari T. Molnar's Esq., Motion to Withdraw as Attorney

Statistically closed: USJR-FAM-Set/Withdrawn W/O Judicial Conf/Hearing Close Case (UWOJC)

of Record.

The Motion was served via U.S. Mail on September 14, 2022, to the Defendant and Intervenor at their last known address and to Mark McGannon, Esq., and the Plaintiff through electronic service on September 14, 2022. The Notice of Hearing was mailed to the Defendant and Intervenor at their last known addresses on September 26, 2022, and electronically served on Mr. McGannon and the Plaintiff.

There was no Opposition filed by the Plaintiff, Defendant, or the Intervenor, each of whom was properly served.

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23 (c), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This Court finds that there is good cause to grant the Motion.

IT IS HEREBY ORDERED that Kari T. Molnar's, Esq., Motion to Withdraw as Attorney of Record for the Intervenor, Kimberly White, is granted.

****

****

****

IT IS FURTHER ORDERED that the Intervenor can be served at her last known address at 10461 Hartford Hills Avenue, Las Vegas, Nevada 89166. The Intervenor's email address is kwhite_writer@hotmail.com and her phone number is (702) 534-9692.

IT IS FURTHER ORDERED that the matter on Chamber's Calendar for 11/01/222 shall be vacated.

Dated this 19th day of October, 2022

Vincent Ochoa

709 740 2F96 8D58
Vincent Ochoa
District Court Judge

Respectfully Submitted by:

Kari T. Molnar

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
Phone (702) 534-2558
Attorney for Intervenor

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 10/19/2022

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Kimberly White	kwhite_writer@hotmail.com

Electronically Filed
10/20/2022 4:18 AM
Steven D. Grierson
CLERK OF THE COURT

NEO
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
Phone (702) 534-2558; Fax (702) 964-1373
email: kari@molnarfamilylaw.com
Former Attorney of Intervenor

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

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

NOTICE OF ENTRY OF ORDER

TO: TAMIKA JONES, Plaintiff;

TO: MARK MCGANNON, ESQ., Attorney for Plaintiff;

TO: CHRISTOPHER JUDSON, Defendant; and

TO: KIMBERLY WHITE, Intervenor.

PLEASE TAKE NOTICE that the Order Granting Withdrawal was duly entered in the above action on the 19th day of October, 2022, by filing with the clerk of the court; a true and correct copy is

****

****

attached.

DATED this 20th day of October, 2022.

MOLNAR FAMILY LAW

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
(702) 534-2558
Former Attorney for Intervenor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY service of a copy of the *Notice of Entry of Order and the Order* were electronically served on the 20th day of October, 2022, pursuant to EDCR 8.05 and NRCP 5(b)(2)(D) by serving to the email address(es) listed on the E-Filing System as follows:

mark@mcgannonlawoffice.com
jean@mcgannonlawoffice.com
efile@mcgannonlawoffice.com
Attorney for Plaintiff
tamikaj8092@gmail.com
Plaintiff
kwhite_writer@hotmail.com
Intervenor

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order and Order* was served on the 20th day of October, 2022, by U.S. Mail by depositing a true and correct copy thereof, in the United States Mail, first class mail, postage prepaid, addressed as follows:

Christopher Judson
8447 Sequoia Grove Ave.
Las Vegas, Nevada 89149
Defendant

/s/ K. Molnar

An Employee of MOLNAR FAMILY LAW

Electronically Filed
10/19/2022 3:41 PM
CLERK OF THE COURT

ORDR
MOLNAR FAMILY LAW
KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Ste. 110
Henderson, Nevada 89014
Phone (702) 534-2558; Facsimile (702) 964-1373
kari@molnarfamilylaw.com
Attorney for Intervenor, Kimberly White

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

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

ORDER GRANTING WITHDRAWAL

This matter came before the Hon. Vincent Ochoa, Eighth Judicial District Court, Family Division on Kari T. Molnar's Esq., Motion to Withdraw as Attorney

of Record.

The Motion was served via U.S. Mail on September 14, 2022, to the Defendant and Intervenor at their last known address and to Mark McGannon, Esq., and the Plaintiff through electronic service on September 14, 2022. The Notice of Hearing was mailed to the Defendant and Intervenor at their last known addresses on September 26, 2022, and electronically served on Mr. McGannon and the Plaintiff.

There was no Opposition filed by the Plaintiff, Defendant, or the Intervenor, each of whom was properly served.

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23 (c), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This Court finds that there is good cause to grant the Motion.

IT IS HEREBY ORDERED that Kari T. Molnar's, Esq., Motion to Withdraw as Attorney of Record for the Intervenor, Kimberly White, is granted.

****

****

****

IT IS FURTHER ORDERED that the Intervenor can be served at her last known address at 10461 Hartford Hills Avenue, Las Vegas, Nevada 89166. The Intervenor's email address is kwhite [illegible] and her phone number is (702) 534-9692.

IT IS FURTHER ORDERED that the matter on Chamber's Calendar for 11/01/222 shall be vacated.

Dated this 19th day of October, 2022

Vincent Ochoa

709 740 2F96 8D58
Vincent Ochoa
District Court Judge

Respectfully Submitted by:

KARI T. MOLNAR, ESQ.
Nevada Bar No. 009869
1489 W. Warm Springs Road, Suite 110
Henderson, Nevada 89014
Phone (702) 534-2558
Attorney for Intervenor

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO. D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

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Mark McGannon	mark@megannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Jean McGannon	jean@megannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@megannonlawoffice.com
Kimberly White	kwhite_writer@hotmail.com

Electronically Filed
11/18/2022 3:14 PM
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, Plaintiff, v. CHRISTOPHER CHARLES JUDSON, Defendant, KIMBERLY WHITE, Intervenor.	CASE NO.: D-19-594413-C DEPT NO.: S

ORDER FOR PATERNITY TESTING

Pursuant to this Court's Order from the June 16, 2022, Hearing:

THE COURT HEREBY ORDERED: that the three Minor Children, XYSHONE JUDSON, born November 20, 2011; XAIA JUDSON born August 13, 2015; and XIONNE JUDSON born May 3, 2019, shall participate in Paternity Testing by Any Lab Test Now, 30357 Woodward Avenue, Royal Oak, MI 48073 to determine whether the three minor children are full

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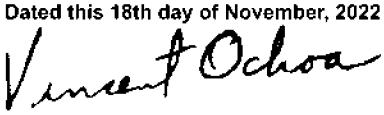
siblings, i.e., that they share the same father.

IT IS SO ORDERED

Dated this 18th day of November, 2022



74B 6AF 8943 9A93
Vincent Ochoa
District Court Judge

Prepared and Submitted by:

McGANNON LAW OFFICE, P.C.

/s/ Mark McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

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Mark McGannon	mark@mcgannonlawoffice.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Kimberly White	kwhite_writer@hotmail.com

Electronically Filed
11/18/2022 4:18 PM
Steven D. Grierson
CLERK OF THE COURT

NOE
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, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S **NOTICE OF ENTRY OF ORDER**

Please take notice that an Order for Paternity Testing was duly entered in the above referenced case on the 18th day of November 2022, a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 18th day of November 2022.

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

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 **NOTICE OF ENTRY OF ORDER** was made on this 18th day of November 2022, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), EDCR 5.206, and EDCR Part VIII, *et seq.*, 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
KIMBERLY WHITE, INTERVENOR	Email: kwhite_writer@hotmail.com
Christopher Judson 1309 N 22nd Street #3 Las Vegas, Nevada 89101 Defendant	

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

ELECTRONICALLY SERVED
11/18/2022 3:20 PM

Electronically Filed
11/18/2022 3:14 PM
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, Plaintiff, v. CHRISTOPHER CHARLES JUDSON, Defendant, KIMBERLY WHITE, Intervenor.	CASE NO.: D-19-594413-C DEPT NO.: S

ORDER FOR PATERNITY TESTING

Pursuant to this Court's Order from the June 16, 2022, Hearing:

THE COURT HEREBY ORDERED: that the three Minor Children, XYSHONE JUDSON, born November 20, 2011; XAIA JUDSON born August 13, 2015; and XIONNE JUDSON born May 3, 2019, shall participate in Paternity Testing by Any Lab Test Now, 30357 Woodward Avenue, Royal Oak, MI 48073 to determine whether the three minor children are full

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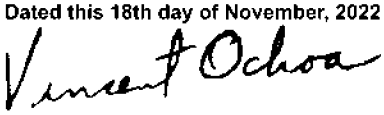
///

siblings, i.e., that they share the same father.

IT IS SO ORDERED

Dated this 18th day of November, 2022



74B 6AF 8943 9A93
Vincent Ochoa
District Court Judge

Prepared and Submitted by:

McGANNON LAW OFFICE, P.C.

/s/ Mark McGannon
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Plaintiff

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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Service Date: 11/18/2022

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Kimberly White	kwhite_writer@hotmail.com

Electronically Filed
1/29/2023 7:31 PM
Steven D. Grierson
CLERK OF THE COURT

PMEM
MARK J. McGANNON, ESQ.
Nevada Bar No. 005419
McGANNON LAW OFFICE, P.C.
7495 W. Azure Drive, Suite 110
Las Vegas, NV 89130
Telephone: (702) 888-6606
E-mail: mark@mcgannonlawoffice.com
Attorney for Plaintiff

DISTRICT COURT – FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S

PRETRIAL MEMORANDUM

COMES NOW Plaintiff, TAMIKA BEATRICE JONES, by and through her attorney, Mark J. McGannon, Esq., of the law firm of MCGANNON LAW OFFICE, P.C. and hereby submits her Pre-Trial Memorandum.

I. STATEMENT OF FACTS

A. Names of the Parties:

1. Plaintiff: TAMIKA BEATRICE JONES (hereinafter "TAMIKA" or "PLAINTIFF" or "MOM").
2. Defendant: CHRISTOPHER CHARLES JUDSON (hereinafter "CHRIS" or "DEFENDANT" or "DAD").
3. Intervenor: KIMBERLY WHITE (hereinafter "KIMBERLY" or

"INTERVENOR" or "Paternal Grandmother").

B. Children of the Parties:

1. XYSHONE JUDSON, born November 20, 2011;
2. XAIA JUDSON born August 13, 2015;
3. and XIONNE JUDSON born May 3, 2019 ("Minor Children").

C. Resolved Issues:

Child Custody and Relocation; however, a Final Custody Decree has never been issued by the Court in which child custody, statutory child support, medical insurance and expenses and tax credits are finalized.

D. Unresolved Issues:

1. Grand Parent Visitation; and
2. Attorney's Fees and Costs.

II.

LIST OF WITNESSES

Plaintiff identifies the following witnesses:

1. TAMIKA BEATRICE JONES/Plaintiff
   c/o McGANNON LAW OFFICE
   7495 W. Azure Drive, Suite 110
   Las Vegas, NV 89130

Ms. JONES is expected to testify to the facts and circumstances surrounding this matter.

2. CHRISTOPHER CHARLES JUDSON/Defendant

Mr. JUDSON is expected to testify to the facts and circumstances surrounding this matter.

3. KIMBERLY WHITE/Intervenor

Ms. WHITE is expected to testify to the facts and circumstances surrounding this matter.

III.

LIST OF EXHIBITS

Not applicable.

IV.

FACTUAL BACKGROUND

Unfortunately, this is the case in which Intervenor, Kimberly White, the obsessed, delusional paternal grandmother, who has been vexatiously and inappropriately and without any legal basis been seeking full custody of the Minor Children and who is willing to do anything and everything to get it, including filing false applications for temporary protection order, making false CPS reports of abuse and neglect and prohibiting any and all contact with the Minor Children from their natural parents and specifically their own Mother, who has been the only consistent parent since the day they were born. Intervenor initially attempted to get those rights by manipulating her own son, the Minor Children's natural father by paying for his counsel at the beginning of the case. When CHRIS and TAMIKA reconciled and united against KIMBERLY, she evidently felt entitled to "Intervene" in order to get the custody of the Minor Children that she always wanted.

Intervenor's pleadings and actions to date sets forth her true intention that were never about visitation rights, but she disturbingly believes its in Minor Children's best interest that she be awarded **Sole** Physical Custody of the Minor Children without one iota of evidence to support this absurd claim. Prior to the January 2022 hearings there was not one CPS report or allegation, not one police report of abuse or neglect. Absolutely nothing but the crazed rants of a

delusional women who failed miserably at parenting her other children and now wants a do over. Intervenor is unequivocally not entitled to grandparent visitation of the Minor Children. In Nevada usually, only parents can ask for custody of a child. However, non-parents can apply to the court for visitation or guardianship of a child. Intervenor is so delusional that she believes that because she provided her son and the mother of her grandchildren some periodic financial assistance by allowing them to live with her intermittently or provided resources to cover the cost of private schooling that she insisted they attend, like most any other grandparent would do for their struggling family, that somehow that makes her the de facto primary care provider of the Minor Children and gives her rights to visitation. Moreover, KIMBERLY has utterly failed to demonstrate one instance of any kind of unfitness by MOM. There is not one substantiated CPS report, police report, drug abuse or use by MOM. MOM is a young mother of three children struggling to like many, especially following the global pandemic to make ends meet with little or no support from DAD. MOM has been working to get her nursing degree and has secured employment in that industry up until KIMBERLY took her children from her in November 2021 and cut off nearly all communication with them. The stress of this situation has been devastating for MOM and all the Minor Children. The actions taken in this case have not been in the best interest of anyone but most importantly these Minor Children. TAMIKA has suffered severe emotional distress and the Minor Children have all needed counseling as a result of Intervenor's malevolent actions.

Intervenor and her four-prior counsel(s) have swindled this Court into believing that MOM has been violating Court Orders and abducting her own children. When the truth of the matter is that MOM and DAD have been denied due process multiple times throughout these proceedings. There was no proper petition for grandparent's rights filed pursuant to the statute,

yet grandparent rights were given when none were even requested. The Court granted temporary physical custody to a nonparent without the natural parent's involvement whatsoever and denying them due process. The Court issued a pickup Order based solely on the argument of counsel that MOM left the state against Court Orders when in fact MOM not only had DAD's permission to relocate to Michigan, but she relocated at DAD's request. Pursuant to the Court's December 5, 2019, Order's that state, ***"Plaintiff shall get Defendant's permission or a Court order to relocate out of state."*** MOM relocated to Michigan not only with DAD's permission, but at his request. MOM has never been in violation of the Courts Orders in that regard.

In September 2021 after learning about the Order for the Return of the Children through the Attorney General's office, MOM retained counsel and attempt to come to an amicable resolution, but those efforts went unanswered. Intervenor never wanted "visitation" she wanted *sole physical custody* and she was able to obtain a pickup Order giving her exactly what she wanted from the start. She then proceeded to use the Judicial System to attempt to eliminate the natural parents from the Minor Children's lives. KIMBERLY was so emboldened that she traumatized these children by having the police physically remove them from their school and their MOM! Why? What was the purpose of removing the children from their school and their MOM for "visitation"? How is that in their best interest? KIMBERLY then took it a step further and denied them all contact from their parents, family, and friends. KIMBERLY, without the legal authority to do so, enrolled them in school in Las Vegas, Nevada, put them in therapy and demanded proof of insurance from their MOM in order to get them medical treatment and filed a TPO against their MOM! This has had long term detrimental impact not just on MOM but on the Minor Children as all have been significantly traumatized by these events and are

experiencing significant signs of PTSD and anxiety. In fact, one of the Minor Children fears her "granny will take her back to Las Vegas"!

In January 2022, the matter came before the Court, and heard testimony from all the Parties, including the Defendant and natural father, CHRISTOPHER JUDSON who testified that he had previously given TAMIKA permission to relocate to Michigan with the Minor Children. The Court then issued its Orders that the Minor Children were to be returned to Michigan where they reside with their Mother. The Court further Ordered an evidentiary trial to be set for July 22, 2022, regarding grandparent visitation for Intervenor and that temporarily "***grandmother shall get 2-3 weeks in the summer, one week in spring and one week in the winter***". This was not acceptable to KIMBERLY as she was seeking a change in custody not "visitation". In a deliberate effort to maintain physical custody of the Minor Children in Nevada with her and without previously disclosing to the Court, KIMBERLY stated the Parties oldest son, XYSHONE was having nightmares and other issues about returning home with his Mother. The Court clarified that it "***will not terminate custody of the parents***". The Court then ordered that XYSHONE be referred to Family Mediation Center (FMC) for a child interview that could be done in person or by video conference. Then in a last-ditch effort, KIMBERLY took things even further and filed a false claim of abuse and neglect with Michigan CPS and advised the Nevada Court that Michigan CPS had been in contact with her and were investigating child neglect and abuse against TAMIKA and requested that she be given temporary custody of the Minor Children in Nevada. The Court denied the request and stated that "*if Michigan CPS has concerns, they shall submit documentation to this Court. The children shall return to Michigan unless the Nevada or Michigan CPS ask the children remain in Nevada*".

On January 24, 2022, former counsel for KIMBERLY and counsel for TAMIKA had a conference call with Supervisor, Elizabeth Rinke, with Michigan CPS who stated that they were able to do an in person examination of XIONNE at TAMIKA's home, and it was determined that there were no signs of abuse, neglect or child endangerment of any kind, and although Michigan CPS would be continuing their investigation, they had no intention of keeping the Minor Children from TAMIKA and had no concerns regarding the two older Minor Children's, XAIA and XYSHONE, immediate return to their home in Michigan. Michigan CPS concluded its investigation and determined that all of the fabricated allegations of physical abuse and neglect against TAMIKA were unsubstantiated!

As Ordered in January 2022, FMC conducted the child interview on XYSHONE on March 4, 2022, and the report was recently received and based on the findings there are no indications of abuse or neglect by TAMIKA; however, there were lengthy notes about the numerous Ex Parte communications between KIMBERLY and FMC Mediation regarding KIMBERLY's repeated demands that the Minor Child be interviewed in person and not in the presence of his "abuser" (referring to TAMIKA). Furthermore, KIMBERLY acknowledges that she inappropriately had discussed the interview with the XYSHONE and advised FMC Mediation that *"the child has told me he is willing to tell the truth about what is going on if mom isn't there and he won't "get in trouble"*. KIMBERLY also stated, "*I'm trying all I can to help these kids and* ***everything I'm trying isn't working***." Clearly demonstrating that KIMBERLY is doing whatever she can think of to misrepresent the facts and purposefully and maliciously attempting to influence the Minor Children, mediators, CPS, law enforcement and the Court in her continued effort to prove her unfounded claims that TAMIKA is unfit to have custody of the Minor Children. At the January 20, 2022, hearing the Court ruled that an Evidentiary Hearing

would proceed on the issues of grandparent visitation only and a trial date was set for July 22, 2022. The Trial was continued at the June 16, 2022, hearing until February 3, 2023, at 9:00 a.m. Lastly, the Court system was designed to protect parents from individuals such as KIMBERLY and her abuse of the legal system terrorizing and emotionally traumatizing MOM and the Minor Children should never be tolerated again by the Courts.

V.

LEGAL ARGUMENT

The touchstone of all child custody determinations is the best interest of the minor child. NRS 125C.0035. As this Court is aware: "[i]n determining the question of custody of children, the court's paramount consideration should be the welfare of the child." *Culbertson v. Culbertson*, 91 Nev. 230, 533 P.2d 768, 770 (1975). "[T]he paramount guiding principle in the exercise of judicial discretion, in these cases affecting the rights of children, is the best interest and the welfare of each child whose rights are involved." *Fenkell v. Fenkell*, 86 Nev. 397, 486 P.2d 701, 703 (1970). The foundations of these determinations are the facts and circumstances of each case. *Arnold v. Arnold*, 95 Nev. 951, 604 P.2d 109 (1979).

A. CHILD CUSTODY

In its Order after Hearings on January 20 and 21 2022, the Court made formal findings based upon DAD's sworn Permission for Relocation with Minor Children and testimony in Court that: **THE COURT FURTHER FINDS:** that natural father, CHRISTOPHER JUDSON appeared at the hearing and confirmed that he authorized, natural mother, TAMIKA JONES and his Minor Children, XYSHONE JUDSON, born November 20, 2011, XAIA JUDSON born August 13, 2015, and XIONNE JUDSON born May 3, 2019 ("Minor Children") to relocate to Michigan.

THE COURT FURTHER FINDS AND ORDERS: that it is in the best interest of the

Minor Children that TAMIKA JONES be awarded Temporary Sole Legal and Primary Physical Custody of the Minor Children.

At the hearing on June 16, 2022, **THE COURT FURTHER NOTED**: It has always looked at this as a grandparent's rights case only, and if INTERVENOR thinks it is different that is fine, but the record is that DAD has agreed that MOM shall have the children and gave permission for her to relocate to Michigan; Michigan and Nevada has investigated and there have been no substantiation of any issues so INTERVENOR can file her Complaint if she has the grounds [TIMESTAMP 11:06:22- 11:06:55].

DAD has given TAMIKA permission to relocate to Michigan which necessarily involves her having primary physical custody of the Minor Children. Additionally, TAMIKA will testify that DAD has not provided financial support for the Minor Children or been involved in the care and upbringing of the Minor Children, including all medical and educational matters for years, and TAMIKA is entitled to have a Final Decree of Custody entered awarding her Sole Legal and Primary Physical Custody of the Minor Children.

With a primary custody arrangement, TAMIKA requests that the Court Order that Defendant must pay child support for the three Minor Children in accordance with NAC 425, *et seq.* TAMIKA will open a Child Support case with the District Attorney's Office for determination of the amount and enforcement. Plaintiff would also request the Court to Order that the Minor Children remain on State Medicaid Programing, so long as insurance is not made available through the Parties' respective employers; and that both Parties equally divide any unpaid or unreimbursed health care expenses incurred by the minor child, including any deductibles and co-payments using the utilization of the "30/30 Rule" As this Court is aware, the "30/30 Rule" finds: The incurring party for health care expenses for the minor child shall be

responsible in providing a letter and copies of medical receipts evidencing such medical costs, within thirty (30) days; failure to provide such documentation including receipts within the allotted thirty (30) days shall be deemed waived; within thirty (30) days of receipt of said health care costs the receiving party shall then have thirty (30) days within which to either provide repayment of dispute said expense. TAMIKA is also entitled to an Order allowing her to claim the Minor Children on her Federal Tax Returns every year.

B. GRANDPARENT VISITATION

When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1) ; *Davis v. Ewalefo* , 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015).

NRS 125C.050 Petition for right of visitation for certain relatives and other persons states:

1. Except as otherwise provided in this section, if a parent of an unmarried minor child:

(a) Is deceased;

(b) Is divorced or separated from the parent who has custody of the child;

(c) Has never been legally married to the other parent of the child, but cohabitated with the other parent and is deceased or is separated from the other parent; or

(d) Has relinquished his or her parental rights or his or her parental rights have been terminated, the district court in the county in which the child resides may grant to the great-grandparents and grandparents of the child and to other children of either parent of the child a reasonable right to visit the child during the child's minority.

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

3. A party may seek a reasonable right to visit the child during the child's minority pursuant to subsection 1 or 2 only if a parent of the child has denied or unreasonably restricted visits with the child.

4. If a parent of the child has denied or unreasonably restricted visits with the child, there is a rebuttable presumption that the granting of a right to visitation to a party seeking visitation is not in the best interests of the child. To rebut this presumption, the party seeking visitation must prove by clear and convincing evidence that it is in the best interests of the child to grant visitation.

5. The court may grant a party seeking visitation pursuant to subsection 1 or 2 a reasonable right to visit the child during the child's minority only if the court finds that the party seeking visitation has rebutted the presumption established in subsection 4.

6. In determining whether the party seeking visitation has rebutted the presumption established in subsection 4, the court shall consider:

(a) The love, affection and other emotional ties existing between the party seeking visitation and the child.

(b) The capacity and disposition of the party seeking visitation to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Cooperate in providing the child with food, clothing and other material needs during visitation; and

(3) Cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this State in lieu of health care.

(c) The prior relationship between the child and the party seeking visitation, including, without limitation, whether the child resided with the party seeking visitation and whether the child was included in holidays and family gatherings with the party seeking visitation.

(d) The moral fitness of the party seeking visitation.

(e) The mental and physical health of the party seeking visitation.

(f) The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference.

(g) The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents of the child as well as with other relatives of the child.

(h) The medical and other needs of the child related to health as affected by the visitation.

(i) The support provided by the party seeking visitation, including, without limitation, whether the party has contributed to the financial support of the child.

(j) Any other factor arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.

Based upon the above statutory provisions, grandparents or other persons who have resided with a child and established a meaningful relationship may petition the court for reasonable visitation if the parents of the child have denied visitation. NRS 125C.050(1)-(3). However, if a parent has denied visitation with the child, there is a rebuttable presumption that granting visitation to the petitioner is not in the child's best interest. NRS 125C.050(4). And to rebut this presumption, the petitioner must demonstrate by clear and convincing evidence that it

is in the best interests of the child to grant visitation. *Id.* When determining whether the petitioner has rebutted the presumption, the district court shall consider the factors enumerated in NRS 125C.050(6).

As set forth above, initially INTERVENOR cannot even meet the initial requirements for allowing grandparent visitation. Although it is conceded that the Minor Children did live with Intervenor for a short period of time, Intervenor has never established any type of meaningful relationship with the youngest child, XIONNE JUDSON born May 3, 2019. Importantly, Intervenor has not seen the Minor Children since Court Ordered July 2022 summer visitation, has not requested her Court Ordered Winter Visitation, has not engaged in any Court Ordered telephonic communication with the Minor Children since July 2022, provided any support whatsoever for the Minor Children since July 2022; thus, essentially having no contact and abandoning the Minor Children for 6 months!

Most importantly, neither of the natural parents of the Minor Children want Intervenor to have anything to do with the Minor Children as it is not in their best interests, as they have serious concerns about Maternal Grandmother's willingness to facilitate and encourage a healthy relationship between the Minor Children and their parents. Specifically, there is an extremely high degree of animosity and conflict between the Parties, the Minor Children have been constantly exposed to the conflict caused by Intervenor, subjected to needless interviews with police and CPS, and hence it is not in the best interests of the Minor Children to continue a relationship with Intervenor. In fact, as this Court is well aware, Intervenor has on numerous occasions maliciously sought to remove the Minor Children from the custody of their natural parents falsely claiming abuse and/or neglect to CPS and police of multiple states without a single iota of any evidence or legitimate reason why she would be entitled to custody of the

Minor Children needlessly forcing MOM to incur thousands of dollars she cannot afford to recover the children and defend this vexatious action. Thus, Intervenor is not entitled to grandparent visitation pursuant to NRS 125C.050 and well-established Nevada law, and any visitation with the Minor Children should be at the sole discretion of MOM/TAMIKA.

C. ATTORNEY'S FEES

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

NRS 18.010 Award of attorney's fees.

1. The compensation of an attorney and counselor for his or her services is governed by agreement, express or implied, which is not restrained by law.
2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
(a) When the prevailing party has not recovered more than $20,000; or
(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.
3. In awarding attorney's fees, the court may pronounce its decision on the fees at the conclusion of the trial or special proceeding without written motion and with or without presentation of additional evidence.
4. Subsections 2 and 3 do not apply to any action arising out of a written instrument or agreement which entitles the prevailing party to an award of reasonable attorney's fees. (Emphasis added.)

As illustrated from Plaintiff's egregious actions including wrongfully taking the Minor Children away from their mother, school and life in Michigan and frivolously seeking

custody, fraudulently misrepresenting facts to police and CPS, and needlessly forcing MOM to file numerous Motions in order to finally get custody of her own Minor Children, Intervenor's continued vexatious perpetration of this action in total abrogation of clear Nevada law, warrants an award of all of her attorney's fees under NRS 18.010 and NRS 125C.250.

DATED this 29th day of January 2023.

McGANNON LAW OFFICE, P.C.

BY: */s/ Mark J. McGannon*

MARK J. McGANNON
Nevada State Bar No. 005419
7495 W. Azure Drive, Suite 110
Las Vegas, NV 89130
Ph.: (702)888-6606

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 **PRETRIAL MEMORANDUM** was made on this 29th day of January 2023, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), EDCR 5.206, and EDCR Part VIII, *et seq.*, 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
KIMBERLY WHITE, INTERVENOR	Email: kwhite_writer@hotmail.com
Christopher Judson 1309 N 22nd Street #3 Las Vegas, Nevada 89101 Defendant	

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

Electronically Filed
1/30/2023 4:53 PM
Steven D. Grierson
CLERK OF THE COURT

ATEAR
Name: Kimberly White
Address: 10461 Hartford Hills Ave
Las Vegas, NV 89166
Telephone: 702-982-0191
Email Address: kwhiet_writer@hotmail.com
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones Plaintiff, vs. Christopher Charles Judson vs. Kimberly White Defendant.	CASE NO.: d-19-594413-c DEPT: S HEARING DATE: 2-3-2023 TIME OF HEARING: 9:00 AM

VIDEO APPEARANCE REQUEST

(*Your name*) Kimberly White, (☒ *check one*) ❑ Plaintiff / ☒ Defendant, requests that the following person be allowed to testify by remote court appearance via video conference, pursuant to Rule 4 of the Nevada Supreme Court's Rules Governing Appearance by Audiovisual Transmission Equipment: (☒ *check one*) ☒ Myself / ❑ Witness: Kimberly White. This request is for the hearing date and time above for the (☒ *check one*):

- ❑ Motion Hearing
- ❑ Case Management Conference
- ☒ Trial / Evidentiary Hearing
- ❑ Trial Setting Conference
- ❑ Other: _____

The person subject to this request has executed the Consent on the next page and agrees to be bound by the oath given by the Court Clerk, Eighth Judicial District Court and to be subject to the jurisdiction of this Court for purposes related to this testimony.

(*Your Name*) Kimberly White agrees to provide all exhibits to the witness in advance in the same form as have been or will be submitted to the Court Clerk.

Any objection to this request must be made in writing within two (2) judicial days of service of this request.

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If the IT department wants to test and verify the functionality of the party/witness's video conference connectivity with the Court's IT department, the contact information of the party or witness for the test is:

Name: Kimberly White

Email Address: kwhiet_writer@hotmail.com

Phone Number: 702-982-0191

DATED (*today's date*) 1-30-2023, 20__

Submitted By: (*Signature*) ▸ /s/ Kimberly White

Printed Name: Kimberly White

CONSENT

(*to be signed by the person who wants to appear by video*)

By making this request for Audiovisual Transmission Equipment Appearance, the undersigned agrees to be bound by the oath given by the Court Clerk over the video conference connection and to be subject to the jurisdiction of this Court for purposes related to this testimony. I certify that the video connection has been successfully tested at http://bluejeans.com/111, prior to submitting this application.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED (*today's date*) 1-30, 2023

(*Signature of party or witness*) ▸ /s/ Kimberly White

Printed Name: Kimberly White

CERTIFICATE OF SERVICE

I, (*your name*) Kimberly White declare under penalty of perjury under the law of the State of Nevada that I served the Audiovisual Transmission Equipment Appearance and Audiovisual Transmission Equipment Consent in the following manner:

☐ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on the (*day*) _____ of (*month*) _____, 20___ addressed to:
(Print the name and address of the person you mailed the document to)

Name: _____

Address: _____

City/State/Zip: _____

☒ **Electronic:** Through the Court's electronic service system on (*date*) 1-30-2023 at (*time*) 4:40 PM ☐ a.m. ☐ p.m.

DATED (*today's date*) 1-30, 2023

Submitted By: (*Signature*) ▸ /s/ Kimberly White

Electronically Filed
1/31/2023 10:43 PM
Steven D. Grierson
CLERK OF THE COURT

MOT
Dr. Kimberly White
10461 Hartford Hills Ave.
Las Vegas, NV 89166
702-982-0191
IN Pro Per

DISTRICT COURT - FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF vs. CHRISTOPHER CHARLES JUDSON, DEFENDANT vs. KIMBERLY WHITE, INTERVENOR	Case No.: D-19-594413-C DEPT.: S NO HEARING REQUESTED

MOTION FOR THE COURT TO REQUEST RECORDS FROM NEVADA AND MICHIGAN CPS REGARDING PLAINTIFF AND MINOR CHILDREN

INTERVENOR, Kimberly White, respectfully moves this Court to request records from Nevada Child Protective Services and Michigan Child Protective Services regarding Tamika Jones, Plaintiff; Xyshone Judson, minor child of Plaintiff; Xaia Judson, minor child of Plaintiff; Xionne Judson, minor child of Plaintiff.

These records are vital to the case at bar and to either confirm or deny the allegations made by the plaintiff's attorney regarding the plaintiff's actions, behavior, and statements. Plaintiff categorically denies that CPS ever took any intervention or efforts concerning her or the minor children. Intervenor has personal knowledge of at least two cases opened against the plaintiff and has contacted CPS multiple times about obtaining these records for this trial. CPS acknowledges the existence of these records;

however, the intervenor is in a position of being unable to receive these records as CPS has replied repeatedly that the only way these records can be released to the court is by a request of the judge, as she is not a parent or attorney of the parent.

These records will rebut the claims and allegations that there has never been a CPS case opened against Tamika in Nevada. The plaintiff's attorney has repeatedly claimed the Michigan case was called in by the intervenor, which is categorically untrue and a false allegation with no evidence to support the claim. Plaintiff has shown no proof or documentation to this court of the outcome of the Michigan CPS case. This is not the same as the case being closed and there are no findings against the plaintiff as is the claim of the plaintiff's attorney. If there were an outcome in favor of the plaintiff, the plaintiff's attorney would surely be more than anxious to present this to the court and the intervenor without delay.

It would be a miscarriage of justice and denial of the intervenor's due process rights to be unable to rebut the untrue rantings and accusations of the plaintiff's counsel.

THEREFORE, Intervenor asks this court to request the records from Nevada and Michigan CPS to allow the intervenor to defend her case in this court. Anything less would enable the plaintiff's undue bias and deny the intervenor the right to defend herself against the unsubstantiated claims of the plaintiff's attorney.

Respectfully submitted this 31st of January 2023, by:

Dr. Kimberly White

Dr. Kimberly White, Intervenor
10461 Hartford Hills Ave.
Las Vegas, NV 89166
In Pro Per

Electronically Filed
2/1/2023 4:59 PM
Steven D. Grierson
CLERK OF THE COURT

CNND

DISTRICT COURT
CLARK COUNTY, NEVADA

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

CLERK'S NOTICE OF NONCONFORMING DOCUMENT

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	Motion for the Court to Request Records from Nevada and Michigan CPS Regarding Plaintiff and Minor Children
Party Submitting Document for Filing:	Dr. Kimberly White
Date and Time Submitted for Electronic Filing:	01/31/23 at 10:43 pm

Reason for Nonconformity Determination:

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.
- ☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.
- ☐ The document was not signed by the submitting party or counsel for said party.
- ☐ The document filed was a court order that did not contain the signature of a judicial officer. In accordance with Administrative Order 19-5, the submitted order has been furnished to the department to which this case is assigned.

☒ Motion does not have a hearing designation per Rule 2.20(b). Motions must include designation "Hearing Requested" or "Hearing Not Requested" in the caption of the first page directly below the Case and Department Number.

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a nonconforming document may be cured by submitting a conforming document. All documents submitted for this purpose must use filing code "**Conforming Filing – CONFILE**." Court filing fees will not be assessed for submitting the conforming document. Processing and convenience fees may still apply.

Dated this: 1st day of February, 2023

By: /s/ Francis Yanez
Deputy District Court Clerk

CERTIFICATE OF SERVICE

I hereby certify that on February 01, 2023, I concurrently filed and served a copy of the foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service System.

By: /s/ Francis Yanez
Deputy District Court Clerk

Electronically Filed
2/2/2023 3:14 AM
Steven D. Grierson
CLERK OF THE COURT

PMEM
Dr. Kimberly White
10461 Hartford Hills Ave.
Las Vegas, NV 89166
702-982-0191
IN Pro Per

DISTRICT COURT – FAMILY DIVISION

CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF vs. CHRISTOPHER CHARLES JUDSON, DEFENDANT vs. KIMBERLY WHITE, DR. WHITE	Case No.: D-19-594413-C DEPT.: S TRIAL SCHEDULED FOR FEB 3, 2023, AT 9:00 AM

PRETRIAL MEMORANDUM

Comes now DR. WHITE, Kimberly White, and herby submits her pretrial memorandum.

I.

STATEMENT OF FACTS

A. Names of the Parties:

1. Plaintiff: TAMIKA BEATRICE JONES (hereinafter "TAMIKA")

2. Defendant: CHRISTOPHER CHARLES JONES (hereinafter "FATHER")

3. Dr. White: KIMBERLY WHITE (hereinafter "DR. WHITE or "KIMBERLY")

B. Children of the Parties:

1. Xyshone Judson, DOB 11-20-2011

2. Xaia Judson, DOB 8-13-2015

3. Xionne Judson, DOB 5-3-2019

C. Resolved Issues:

There are no resolved issues at this time. Dr. White denies the plaintiff's allegation that any issues are resolved as of this time.

D. Unresolved Issues:

1. Grandparent Visitation

2. Allegations of abuse by Plaintiff of minor children

3. Untrue allegations of Plaintiff regarding Dr. White

4. Proof of allegations of PTSD and trauma caused by pick-up from Michigan

5. Plaintiff's attorney has not provided the Michigan CPS report

II.

WITNESS LIST

Dr. White identifies the following witnesses:

1. Tamika Beatrice Jones – Plaintiff

2. Christopher Charles Judson – Defendant

3. Dr. Kimberly White – Intervenor

4. Geneva White – paternal great, great grandmother of minor children

5. Regina Williams - Sister of Dr. White

All witnesses are expected to testify truthfully to all the facts and circumstances surrounding this case

III.

LIST OF EXHIBITS

1. All transcripts of prior proceedings in this case
2. Pictures taken of the abused children by the physician and Dr. White
3. Reports from Michigan and Nevada CPS
4. Report from psychologist on Xyshone and Xaia

IV.

FACTUAL BACKGROUND

Dr. Kimberly White is the paternal grandmother of the three minor children. She has supported the parents and provided for the grandchildren for many years, which has been proven with documents submitted into evidence at the inception of this case in August 2019. Her relationship with the parents deteriorated when she refused to take sides in the couple's squabble, instead remaining neutral and focusing on the children's needs. In August 2019, the plaintiff called the Las Vegas Metropolitan Police and reported that the children's father, Christopher Judson, had taken the children and was withholding them from her. This was determined not to be true. They were residing at Dr. White's home, as they always had. Dr. White stands by her

decision to focus on the children's well-being, not get involved in a couple's argument, and her actions demonstrate this fact. The only stable and consistent home the children have ever had are with Dr. White and their paternal great-grandparents. However, Ms. Jones has never understood Dr. White's refusal to intercede on her behalf. Instead, she is focused on punishing Dr. White by destroying the relationships Dr. White has with her grandchildren and even her son. All accusations directed at Dr. White are without merit and untrue in every regard. There is no evidence or testimony to support the plaintiff's characterizations of Dr. White. The plaintiff's attorney skillfully uses illusory of truth to tarnish Dr. White's character to hide the underlying deficits in his client's parenting.

V.

LEGAL ARGUMENT

A. VISITATION

Dr. White continues her petition for visitation of her grandchildren. This has been argued and determined in earlier proceedings; therefore, Dr. White will not waste the court's time rehashing the argument. It is advised that the plaintiff's attorney review past hearing notes to catch up on what has already been debated and decided previously. He will find in the first filing of this case, by his client, the plaintiff asks for sole custody but amends her wishes and requests weekend visits with her three children, the father has the children during the week (while he lived at Dr. White's home), and **Dr. White will be granted visitation rights.** The district court must determine the "fitness" of the parent or if there are "other extraordinary circumstances." *Litz v. Bennum,* 111 Nev. 35, 38, 888 P.2d 438, 440 (1995); *see also* NRS 128.018 (defining an "unfit parent"); NRS 128.018 (providing factors to consider when

determining neglect or fitness of parent). Extraordinary circumstances are those that "result in serious detriment to the child." *Locklin,* 112 Nev. at 1495-96, 929 P.2d at 934.

Other jurisdictions offer examples of fitness and best interests. Under New York law, extraordinary circumstances are defined as "fault or omission by the parent seriously affecting the welfare of a child, the preservation of the child's freedom from serious physical harm, illness or death, or the child's right to an education." *Bennett v. Jeffreys,* 40 N.Y.2d 543, 387 N.Y.S.2d 821, 356 N.E.2d 277, 281 (1976). In Maryland, exceptional circumstances are those where the non-parent has provided for the children's emotional and physical needs over a significant length of time. The children have formed a strong attachment to the non-parent, so there is a possible emotional effect if custody is changed and the child is thriving under the current custody of the non-parent. *Burrows v. Sanders,* 99 Md. App. 69, 635 A.2d 82, 85 (1994). In Wisconsin, examples of extraordinary circumstances are "abandonment, persistent neglect of parental responsibilities, or other similar extraordinary circumstances that would drastically affect the welfare of the child." *In the Matter of the Guardianship of Jenae K.S.,* 196 Wis.2d 16, 539 N.W.2d 104, 106 (App.1995). Dr. White has presented medical records, the psychologist's note, and photos that justify further investigation into the children's physical, mental, and emotional well-being. She has formally applied for the court to obtain the Michigan and Nevada CPS reports.

The plaintiff's attorney has claimed that the Michigan CPS report supports his client's parenting skills. Let him produce the document or an official summary of this document, and all issues of child abuse will be resolved. This would seem a simple thing to do since it would be so helpful for his client.

He also claims he had an ex-parte conversation with a Michigan CPS agent on January 24, 2022, and was told the children, who were in Nevada, were never interviewed via phone or in person and were safe to return home. This requires further investigation of the veracity of his account. The FMC (family mediation center) interview of the oldest child requires a review by the court. Dr. White requested this interview when Michigan CPS contacted her about opening an "emergency CPS case" regarding her three grandchildren. The interview was scheduled for the child to go to FMC, a neutral location for the interview. Days before the interview, Dr. White received an email stating that the plaintiff called the FMC. She lied to them, saying she and her children would not be in Las Vegas on that date and that the interview needed to be done via phone. Learning this information, Dr. White recognized this action. As anyone who has worked with abused children knows, the parent will attempt to sequester and coach the child before the interview and try to be present so the child can see them. Dr. White contacted FMC to request the interview be conducted in a way that ensured the child's safety from retaliation, and as always, emphasized the fact that the only thing important to her was keeping the children safe: "I'm trying all I can to help these kids, and everything I'm trying isn't working."

No decision regarding visitation or custody should be finalized until these reports are reviewed, assuring the three minor children's constitutional rights are being met. As it stands, the children are in a hazardous situation. They remain in Michigan, where they were found after the parental abduction. On serial encounters with the children, Dr. White, Geneva White, and Leon White Sr. have witnessed escalating evidence of abuse. The primary living conditions of the children are only known as *transient*. There is a question about school attendance. Mental health follow-up is needed for the children. Court-ordered phone calls, when allowed, with Dr. White

are disconnected after 60 seconds, further isolating the children from someone they trust to report their abuse to.

Tamika has never shown an ability to be stable and conduct her affairs without outside help from others. In July 2019, she kicked Christopher and her children out on two occasions, and they were forced to move back into Dr. White's home. Even to this day, she and her children are living with other family members in shared living conditions not conducive to the safety and privacy of the children. She seeks financial help from the children's paternal grandfather. She has not been able to hold a steady job since returning to Michigan. This has been a consistent pattern in Tamika's life to this point. There is no evidence or proof of her living arrangements and her ability to provide for her children.

Despite Dr. White's repeated reports of abuse of the children as a grandmother and as a mandatory reporter, there has been no investigation. This is unbelievable. Precisely what must happen to the children before someone's consciousness is activated? In ***Troxel v. Granville*, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000),** the Court, on numerous occasions, acknowledged that children are possessed of constitutionally protected rights and liberties. One of which is to be safe and protected from harm. Dr. White has petitioned the court for visitation of her grandchildren, but every filing by the plaintiff and her attorney displays their confusion about this fact.

Dr. White would like to give legal notice: when physical, mental, or emotional abuse of one or more of the children is finally acknowledged by those who are legally and morally bound to do so, Dr. White will file for custody or whatever legal remedies are available to keep the children safe even if they need to be kept safe from the person who bore them biologically. This is the same stance the biological borer should have had when she saw the first cigarette burn on

her baby's behind. In addition, it has been established that one may petition for custody when the moving party seeks to introduce evidence of domestic violence of which it was unaware at the time of the original custody decree. *Castle v. Simmons,* 120 Nev. 98, 105, 86 P.3d 1042, 1047 (2004).

The plaintiff's attorney has diagnosed the children with PTSD. This requires further investigation by a licensed medical professional. Therefore, it is requested that Xy'Shone Judson and Xaia Judson have court-ordered psychological evaluations. In addition, for the safety of the children, an assessment of parenting skills, and confirmation of the mental defect of the plaintiff, it is also requested that the plaintiff undergo a mandatory psychological evaluation. Until these reports are reviewed, the children should be appointed guardian ad litem.

B. ATTORNEY FEES

As noted by Judge Ochoa in previous hearings, none of this would be occurring if not for the plaintiff's destructive actions and disregard for the court's orders. To order Dr. White to pay her penalties is unconstitutional. There is not a single applicable statute that supports that position. In earlier proceedings, Dr. White has already been awarded attorney's fees from the plaintiff. Plaintiff has not shown evidence in any form that there were or are any malicious, vexatious, unreasonable, or any of the other conditions the plaintiff has put forth under section C of her legal argument in her pre-trial memo. Nothing in fact or even close to evidence to meet the standard set forth under NRS 125C.250 or NRS 18.010. The plaintiff has put in multiple and repeated malicious claims, unethical and untrue filings, and representations to this court, causing unnecessary waste of time and resources of the judicial system.

C. CONCLUSION

Dr. White has produced evidence and documentation of every subject matter she put forth to this court and never once has resorted to anything but following the court's rules and the laws of this state. All of her actions have followed the law and the orders of this court. That cannot be said of the activities of the plaintiff, who has shown total disregard for the sanctity and authority of this court. This has been documented multiple times in transcripts of the hearings and testimony in this court.

As to the plaintiff's allegation regarding grandparents' visitation rights, it is well established that it is a right in Nevada. Dr. White has repeatedly and consistently shown that she has been the significant caregiver and had extensive interactions and bonding with them. As discussed, Dr. White is only concerned with the well-being and safety of these children. It has been the only goal since the plaintiff opened this case, and Dr. White intervened. If the children are unsafe, abused, or not cared for, as has been shown, then temporary custody is in the children's best interests until they can be safe with their natural parents. Dr. White finds it very disturbing that the plaintiff has never once mentioned the safety and well-being of the children. The plaintiff seems to be only interested that Dr. White has nothing to do with the children and nothing else matters. Not once has the interests of the children, the safety of the children, the documentation that the children are safe and being provided for, or mention of the current living conditions and the means she is using to survive and have a place to live been mentioned. If the situation is so good and the living conditions were thought acceptable to a reasonable standard, then in that case, there should be no hesitation to provide an address, pictures of the home, and

documentation of how their needs are being met, which should be made front and center to prove that the plaintiff has been able to make a safe home for the children in Michigan. Instead, this case has turned into a matter of the plaintiff hiding her actual living situation while coaching the children to dislike the grandmother with whom they've always had a close, loving relationship.

Dr. White displays no animosity. Not in word or deed. However, the plaintiff and her family have sent numerous vile texts and emails to Dr. White. All have gone unanswered because Dr. White has considered the plaintiff the only daughter she ever had.

Dr. White puts forth to this court that there are far too many unresolved and uninvestigated issues that have been thoroughly documented to this court, on the record, to allow the plaintiff full custody at this time or to relocate to Michigan with the children permanently. Dr. White maintains that the purpose of this trial should be focused on what is best for these children and their welfare.

Let Attorney McGannon be put on notice: He has repeatedly accused Dr. White of making a false CPS report in Michigan. As a licensed provider in Michigan, Dr. White is legally beholden to report child abuse and neglect. Since he has put her knowledge of the children's abuse on the court record, she will be submitting a report to Michigan CPS immediately. A mandatory reporter who fails to report suspected child abuse or neglect is "civilly liable for the damages proximately caused by the failure." MCL 722.633(1). In addition, a mandatory reporter who fails to report suspected child abuse or neglect and "who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both." MCL 722.633(2).

Also, Attorney McGannon has knowingly made false statements with the intent to cause direct damage to Dr. White's professional reputation. As a medical professional, this has

profound and lingering effects on current and future employment opportunities, as court documents are reviewed during credentialing. Therefore, these falsehoods have a direct impact on her livelihood. Accordingly, attorney McGannon is notified that his practice of illusory of truth is unacceptable, and sanctions will be sought to the fullest extent of the law.

Dr. White prays someone intervenes on behalf of the children before this case turns into another television news story, a statistic. The most crucial issue, in this case, is the safety and well-being of the children, and there has been no evidence to show that this is the case.

Dated this 1st day of February 2023 by:

Dr. Kimberly White

Dr. Kimberly White
10461 Hartford Hills Ave.
Las Vegas, NV 89166
In Pro Per

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2/7/2023 11:18 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
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Tamika Beatrice Jones, Plaintiff. vs. Christopher Charles Judson, Defendant.	Case No.: D-19-594413-C Department S

NOTICE OF HEARING

Please be advised that the Intervenor's Motion for the Court to Request Records from Nevada and Michigan CPS Regarding Plaintiff and Minor Children in the above-entitled matter is set for hearing as follows:

Date: March 14, 2023

Time: No Appearance Required

Location: Courtroom 07
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Sylvia Fussell
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/ Sylvia Fussell
Deputy Clerk of the Court

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Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT CLARK

COUNTY, NEVADA

TAMIKA BEATRICE JONES, Plaintiff, **vs.** **CHRISTOPHER CHARLES JUDSON, Defendant** **vs.** **KIMBERLY WHITE, Intervenor**	**Case No.: D-19-594413-C** **Dept. No.: S**

MEMORANDUM:
PROPOSED GRANDPARENT VISITATION SCHEDULE

Date of Evidential Hearing: FEBRUARY 3, 2023
Time of Hearing: 9:00 am

WHEREAS Kimberly White ("grandparent") is the paternal grandparent of Xy'Shone C. Judson, Xaia M. Judson, and Xionne R. Judson; AND the parties have come to an agreement with respect to the grandparent's visitation with the children and wish to set down in writing the conditions which will govern those visits, the following is proposed.

1. The grandparent shall have the grandchildren for one month during their summer vacation from school. The date shall be selected by the grandparent, and Tamika B Jones and Christopher C Judson ("the parents") will be notified in writing no later than April 1st of each year.
2. The grandparent shall call the grandchildren Wednesday at 3:30 pm PT and Saturday 9:00 am PT. Any missed phone calls caused by the parents shall be made up Sunday 9:00 am. Any missed calls caused by the grandparent is not subject to makeup.
3. The grandparent shall have the children for four (4) days during the Thanksgiving or Christmas/New Year's holiday school break. The parents shall notify the grandparent of the selected date in writing no later than April 1st of each year.

4. The grandparent shall have the children for one week (7 days) during winter and one week (7 days) during spring school breaks.
5. Pick-up and drop-off times for visits will be included in the itinerary because of varying transportation schedules and possible weather issues.
6. The grandparent will be responsible for providing the costs of transportation to/from visitation, and all activities the children take place in.

The parents shall ensure the children are ready and available to spend time with the grandparent, promptly and on time for each visitation period. Unless otherwise agreed upon in the itinerary, the parents shall have a car seat and necessary clothing for each of the children available for the visitation period. If the parents do not honor the itinerary or fail to show up at the appointed visitation, the parents will be responsible for reimbursing the grandparent's travel and hotel costs.

DATED this 12th day of February 2023.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kimberly White

Kimberly White
10461 Hartford Hills Avenue
Las Vegas, NV 89166
702-982-0191
Kwhite_writer@hotmail.com

DATED this _____ day of _____, 20___.

_____ *(signature)*
Tamika B Jones

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CLERK OF THE COURT

FFCL

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	Case No.: D-19-594413-C DEPT. NO. S

Findings of Fact, Conclusions of Law, and Order

This matter came on for an evidentiary hearing regarding grandparent's visitation. Plaintiff, Tamika Jones (hereinafter, "Plaintiff," "Mom," or "Tamika") appeared via BlueJeans with her counsel of record, Mark McGannon, Esq. Intervener, Kimberly White (hereinafter, "Intervenor," "Paternal Grandmother," or "Kimberly") appeared via BlueJeans self-represented.

The Court held an evidentiary hearing on February 03, 2023, at 9:00 AM. The Court heard arguments of counsel and testimony of the parties. No exhibits were introduced or admitted at trial. The Court, having heard the testimony of parties and other papers and pleadings on file herein, and for good cause appearing now finds and orders as follows:

VINCENT OCHOA
DISTRICT JUDGE
FAMILY DIVISION, DEPT. S
LAS VEGAS, NV 89155

Statistically closed: USJR-FAM-Judgment Reached (Bench Trial) (Close Case) (UJR)

I. FINDINGS OF FACT

1. This case involves three minor children: XYSHONE JUDSON, born November 20, 2011 (age 11); XAIA JUDSON, born August 13, 2015 (age 7); and XIONNE JUDSON, born May 3, 2019 (age 3).
2. Neither party disputes the jurisdiction of this Court to enter visitation orders regarding the children in this case.None of the parties or the children were in Nevada at the time of the hearing. Parents and children live in Michigan. Paternal grandmother was in California but lives in Nevada.
3. Kimberly testified and introduced no exhibits. Tamika testified and introduced no exhibits.
4. This case was initiated on August 12, 2019, when Tamika filed a Complaint for Custody. The children's father, Christopher Judson, filed an Answer on September 06, 2019.
    a. At the hearing on September 19, 2019, the Court ordered per the parties' stipulation that the parties would share joint legal custody and joint physical custody of the minor children. Order filed Oct. 24, 2019.
    b. At the hearing on December 05, 2019, as relevant here the Court ordered that Tamika shall get Christopher's permission or a Court order to relocate out of state. Order filed Feb. 05, 2020.
    c. On December 19, 2019, Tamika filed a Motion for Permission to Relocate Immediately, for Temporary Sole Physical Custody, and Related Relief. However, the hearing and motion were vacated as Tamika failed to properly serve Christopher with the motion.

d. At the return hearing on April 15, 2020, Tamika indicated that the parties had an agreement regarding custody. However, Christopher was not present to confirm the agreement. The Court referred the parties to mediation to place their agreement in writing. However, mediation did not place because the parties failed to appear.

e. On July 15, 2020, Kimberly filed a Motion to Intervene that included requests for sole legal and primary physical custody of the children and third party visitation. Neither party filed an opposition or was present for the hearing on the motion set for August 05, 2020. Kimberly was sworn in and testified that she believed that Tamika had fled to Michigan with the children and that she was the children's care taker. The Court granted Kimberly's request to intervene, granted Kimberly grandparent's visitation, and indicated that a pick up ordered would be issued if necessary to bring the children back to Nevada. Order filed Sep. 14, 2020.

f. Tamika and Kimberly were present for the hearing on August 31, 2020; Christopher was not present. Tamika indicated that she and Christopher reside together in Las Vegas. The parents and Kimberly were referred to mediation regarding grandparent visitation and Kimberly was awarded temporary grandparent visitation. Order filed Sep. 14, 2020.

g. On December 08, 2020, Kimberly filed a Motion to Enforce Visitation Order, Motion for Contempt, Motion for Pick Up Order and Attorney's Fees and Costs. Neither parent was present for the motion hearing on February 24, 2021. The court ordered that temporarily, Kimberly would have telephone contact with the

children on Tuesdays and Thursdays and that if Tamika were to reside in Michigan that Kimberly would receive visits for Spring Break, 2-3 weeks in the summer, and one week in Winter Break. Further, a Pick Up Order would be issued to effectuate visitation if necessary. Order filed Mar. 29, 2021. An Order for Return of Children was filed on March 30, 2021.

h. On November 18, 2021, Tamika filed Motion to Stay for Return to Children. On January 01, 2021, Kimberly filed an Opposition and Countermotion for an Order to Show Cause. Tamika filed an Opposition to the Countermotion for an Order to Show Cause on January 19, 2022. The hearing on the motion took place on January 20, 2022. The Court reinforced that the Court was not considering custody to Kimberly, only visitation. The hearing was continued to the next day on January 21, 2022.

i. All parties appeared for the January 21, 2022 Hearing. Christopher was sworn and testified and gave his permission for the children to relocate to Michigan with Tamika. The Court ordered that temporarily, Kimberly would have telephone contact with the children on Tuesday and Thursday at 6:00 PM or 6:30 PM Michigan time. Temporarily, Kimberly would have visitation with children for 2-3 weeks in the summer, one week spring and one week in the winter. The Court ordered for Xy'Shone and Xaia to return to Michigan and an evidentiary hearing regarding visitation was set for July 22, 2022. Order filed Jan. 25, 2022.

j. On June 16, 2022, the Court heard Tamika's request to continue the evidentiary hearing. The hearing was continued to February 03, 2023. The Court again

clarified that a request for custody by Kimberly would not be considered in this case. She would be required to file a new case for custody. Order filed Sep. 14, 2022.

5. The Court clarified that the burden was on Kimberly as the party petitioning for grandparent's visitation because at the beginning of trial she indicated several times that the burden was on Tamika and that Tamika's counsel requested trial.
6. Tamika most recently alleged that Christopher is not the children's biological father. However, Christopher is listed as the father on the children's birth certificate. See Tamika's Complaint filed Aug. 12, 2019. Christopher is presumed to be the children's father and no evidence was presented to rebut the presumption.
7. Tamika is the children's biological mother. Christopher is the children's legal father. Kimberly is Christopher's mother and the children's paternal grandmother.
8. At trial, Tamika and the children resided in Michigan. At trial, Kimberly appeared from California and indicated that she had been released from the hospital there the day prior to trial but that she lives in Nevada. Kimberly seemed to believe that the trial was based upon Tamika's request; however, the trial was set based upon Kimberly's request for grandparent visitation.
9. When the children return from visits with Kimberly, there often follows investigations by CPS in Nevada and Michigan. However, none of the allegations of neglect and abuse against Tamika were substantiated. After January 2022, Kimberly contacted the Family Mediation Center and made allegations of abuse. Kimberly denied calling CPS regarding abuse by Tamika.

10. The level of conflict between the parties is high. Although Kimberly verbalized that she did not have animosity towards Tamika, her court pleadings and actions clearly show otherwise. Kimberly tried to use the judicial process to usurp control over the children from both parents. The Court clarified on multiple occasions that custody would not be considered in this case. Kimberly filed a writ concerning the Court's decision regarding custody to the Nevada Court of Appeals; her writ was denied. Kimberly characterized the conflict between the parties as one sided; however, it is clear the parties mutually dislike each other. Kimberly frequently indicated that the parents "abducted" their own children. Kimberly's characterization of Tamika's relationship and actions with her own children have caused conflict in the parties' relationship.

11. Kimberly and Tamika met in 2011. At that time, Tamika began residing with Christopher at Kimberly's house in Michigan. Tamika was pregnant with Xyshone at that time.

12. Kimberly eventually moved to Las Vegas in 2013 and Tamika, Christopher, and Xyshone also moved to Las Vegas. Tamika and Christopher eventually had Xaia in 2015 and Xionne in 2019.

13. The parents and children lived in Kimberly's home periodically until 2019. There were periods where the parents would get their own housing; however, more often than not lived with Kimberly. Even when the parents did not live in the home, the children spent a significant of time at Kimberly's home because Kimberly's mother and father watched the children while the parents worked.

14. Kimberly provided for Tamika, Christopher, and the children while the parties lived together. Kimberly helped care for the children. She provided transportation, food and

housing for Christopher, Tamika, and the children. Additionally, Kimberly was an active participant in the children's education; she provided transportation to school. Kimberly's mother, whom also lived in the home, helped the children with their schoolwork. Kimberly's father also lived in the home with the children.

15. When Xyshone first entered school, Kimberly paid for him to attend private school at Challenger School. Kimberly and Tamika both enrolled the child for school there.
16. Kimberly's mother and father also have a close and bonded relationship with the children.
17. When Tamika moved out of Kimberly's home in 2019, the children also moved out of Kimberly's home; however, Kimberly still saw the children frequently. She assisted Tamika with transporting the children to school and saw the children 4-5 times a week.
18. Kimberly and Christopher have a poor relationship and do not speak to each other. Kimberly has not spoken to him for over a year.
19. Kimberly has not spoken to Tamika for over a year. However, the parties previously had a good relationship. Tamika considered Kimberly to be her "second mother".
20. Tamika does not want Kimberly to have visitation with the children and does not believe that it is in their best interest.
21. After Kimberly completed her direct testimony, Tamika's attorney made an oral motion for directed verdict and alleged that Kimberly failed to provide evidence to rebut the presumption that granting her a right to visitation and that her visitation was not in the best interests of the child. The Court denied the motion. "[A] directed verdict may be entered when the evidence is so overwhelming for one party that any other verdict would be contrary to the law." *Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349,

362, 212 P.3d 1068, 1077 (2009). During the pendency of the case, the Court granted Kimberly temporary visitation pending trial. The Court indicated that the Court would make a decision after a full discussion. Tamika's attorney again requested a directed verdict after cross-examining Kimberly. The request was again denied.

22. Tamika and the children moved to Michigan in November 2020 where they currently reside. Christopher was last known to have resided in Las Vegas, Nevada. The parties had an understanding that Tamika would relocate to Michigan in November 2020 while Christopher continued to reside in Nevada. This was corroborated by Christopher at the hearing on January 21, 2022.

23. From the period of 2020 to March 2022, Xyshone and Xaia resided with Kimberly from November 2021 (per the pick-up order issued by the Court) until January 2022 (when the Court ordered that children be returned to Tamika in Michigan). Kimberly refused to allow Tamika telephone or video contact with Xyshone and Xaia when they resided with her. Kimberly got a TPO issued against Tamika in December 2021 that was eventually dissolved (T-21-219814-T). The Hearing Master found "The court had issued a temporary order on allegations of harassment. [Tamika] contends that her efforts to contact [Kimberly] related to her bona fide interest in having contact with her children, and therefore does not constitute harassment. The court agrees." Order filed Jan. 10, 2022.

24. Kimberly did not see Xionne from 2020 to March 2022.

25. From March 2022 to November 2022, the parties followed the Court's temporary visitation orders.

26. Kimberly has not seen any of the children since July 2022. She last had phone contact with the children in November 2022. She did not reach out toTamika regarding the temporary visitation and telephone contact ordered by the Court. Kimberly allowed her mother to have phone calls with the children beginning in November 2022.
27. There are no significant issues related to Kimberly's mental and physical health. She indicated she had to have an emergency appendectomy but was otherwise healthy.
28. Kimberly is employed full-time as a Nurse Practitioner at Intermountain Healthcare. She has a doctor degree in nursing.
29. Xaia fears coming to Las Vegas. She recently has been acting out behaviorally in school. Tamika has nightmares that Kimberly will try to take her children. She believes that children are also having nightmares because they are afraid the Kimberly will try to take them from Tamika. Tamika currently takes Lexapro for anxiety and depression. She did not experience anxiety and depression prior to the children coming to Las Vegas with Kimberly on a pick up order.
30. Tamika does not believe that visitation between Kimberly and the children are in their best interests. From November 2021 to January 2022, Kimberly did not allow Tamika to speak to the children even though Tamika attempted to do so. Kimberly did not allow Tamika to speak to the children for Christmas and other holidays during that time. Further, Tamika does not like that Kimberly has transported the children by car for transportation while the last court ordered required Kimberly to provide transportation by plane and provide the itinerary to her.
31. The court is aware that the parents agree in denying visits to Kimberly.

II. ANALYSIS & CONCLUSIONS OF LAW

Visitation

NRS 125C.050 Petition for right of visitation for certain relatives and other persons.

1. Except as otherwise provided in this section, if a parent of an unmarried minor child:

(a) Is deceased;

(b) Is divorced or separated from the parent who has custody of the child;

(c) Has never been legally married to the other parent of the child, but cohabitated with the other parent and is deceased or is separated from the other parent; or

(d) Has relinquished his or her parental rights or his or her parental rights have been terminated,

the district court in the county in which the child resides may grant to the great-grandparents and grandparents of the child and to other children of either parent of the child a reasonable right to visit the child during the child's minority.

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

3. A party may seek a reasonable right to visit the child during the child's minority pursuant to subsection 1 or 2 only if a parent of the child has denied or unreasonably restricted visits with the child.

4. If a parent of the child has denied or unreasonably restricted visits with the child, there is a rebuttable presumption that the granting of a right to visitation to a party seeking visitation is not in the best interests of the child. To rebut this presumption, the party seeking visitation must prove by clear and convincing evidence that it is in the best interests of the child to grant visitation.

5. The court may grant a party seeking visitation pursuant to subsection 1 or 2 a reasonable right to visit the child during the child's minority only if the court finds that the party seeking visitation has rebutted the presumption established in subsection 4.

6. In determining whether the party seeking visitation has rebutted the presumption established in subsection 4, the court shall consider:

(a) The love, affection and other emotional ties existing between the party seeking visitation and the child.

(b) The capacity and disposition of the party seeking visitation to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Cooperate in providing the child with food, clothing and other material needs during visitation; and

(3) Cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this State in lieu of health care.

(c) The prior relationship between the child and the party seeking visitation, including, without limitation, whether the child resided with the party seeking visitation and whether the child was included in holidays and family gatherings with the party seeking visitation.

(d) The moral fitness of the party seeking visitation.

(e) The mental and physical health of the party seeking visitation.

(f) The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference.

(g) The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents of the child as well as with other relatives of the child.

(h) The medical and other needs of the child related to health as affected by the visitation.

(i) The support provided by the party seeking visitation, including, without limitation, whether the party has contributed to the financial support of the child.

(j) Any other factor arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.

NRS 125C.050 does not explicitly require an independent action, and thus, a motion filed within the existing custody action is sufficient. However, a party seeking grandparent visitation must have intervened or joined in custody actions between the parents in order to for the court to have jurisdiction to award grandparent visitation. *Inlow v. Fifth Judicial Dist. Court of State ex rel. Cnty. of Nye*, 132 Nev. 983 (2016).

> [I]f a parent has denied visitation with the child, there is a rebuttable presumption that granting visitation to the petitioners is not in the child's best interest. NRS 125C.050(4). And to rebut this presumption, the petitioners must demonstrate by clear and convincing evidence that it is in the best interest of the child to grant visitation. When determining whether the petitioners have rebutted the presumption, the district court shall consider the factors enumerated in NRS 125C.050(6).
>
> *Colt v. Plummer*, 82662-COA, 2022 WL 214003, at *2 (Nev. App. Jan. 24, 2022)

The Court permitted Kimberly to intervene in this action regarding visitation only.

During the evidentiary hearing, Tamika testified that the children visiting Kimberly was not in their best interests.

Under NRS 125C.050 (1) – (2) this Court may grant Kimberly a reasonable right of visitation with the children. Kimberly is presumed to be children's paternal grandmother. Further, the children and Kimberly have a meaningful relationship and have resided together in the past.

The love, affection and other emotional ties existing between the party seeking visitation and the child; the capacity and disposition of the party seeking visitation to: give the child love, affection and guidance and serve as a role model to the child, cooperate in providing the child with food, clothing and other material needs during visitation, and cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this State in lieu of health care; the prior relationship between the child and the party seeking visitation; and support provided by the party seeking visitation, including, without limitation, whether the party has contributed to the financial support of the child:.

Tamika disputed that the children were presently bonded to Kimberly. However, the evidence suggests that love, affection, and other emotional ties exist between Kimberly and the children. Kimberly provided a home for the children and helped care for educational and emotions needs when the parents lived in her home. Further, Kimberly is employed and able to provide the children food, clothing, and other material needs during visitation. Kimberly provided for Xyshone's financial needs by paying for private school education when he first began school. Kimberly helped the parents by providing housing, transportation and food. The children's care with Kimberly is not the issue in this case.

These factors favor visitation to Kimberly.

The moral fitness of the party seeking visitation; the mental and physical health of the party seeking visitation:

There was no testimony at trial that Kimberly was morally unfit or had any mental health or physical issues.

These factors favor visitation to Kimberly.

The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference:

The children did not testify. They are not of sufficient age and maturity to express a preference.

This factor is not applicable.

The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents of the child as well as with other relatives of the child:

The primary issues in this care are tThe bad feelings are between the adults and Kimberly over stepping her position as a grandmother and not the parent. Although Kimberly indicated that that she does not have animosity towards Tamika; that she would do anything for the parents, the evidence suggests that the parties mutually do not like each other. Kimberly tried to usurp parental responsibility from Tamika which increased their conflict. Kimberly refused to allow Tamika to speak to her Xyshone and Xaia while they were residing with her from November 2021 to January 2022. This demonstrates that Kimberly does not have the willingness to encourage the children's relationship with their mother.

This factor does not favor visitation to Kimberly.

The medical and other needs of the child related to health as affected by the visitation:

The children do not have any medical needs that would affect visitation.

This factor is neutral.

Any other factor arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.

There is substantial conflict between Kimberly and the parents. Kimberly does not have a good relationship with her son, Christopher, and had not spoken to him in over a year. Kimberly does not have good relationship with Tamika due the ongoing litigation and related issues.

This other factor does not favor visitation to Kimberly.

There is a rebuttal presumption that visitation is not in the children's best interests. Kimberly has the burden to overcome that presumption by clear and convincing evidence.

Most of the factors favor visitation between Kimberly and the children and the Court remains concern regarding the level of conflict between Kimberly and the parents. However, there are many ways in which visitation between Kimberly and the children would facilitate their best interest. There are significant emotional ties between Kimberly and the children. Kimberly improperly tried to usurp parental responsibility from Tamika; however, she whole heartedly but also imprudently did so because she believed she was protecting the children in some way.

The children have resided in Michigan with Tamika since November 2020. The children appear apprehensive about returning to Nevada for visitation. However, the evidence does suggest that it would be in their best interests to maintain some relationship with Kimberly. Christopher does not appear to be actively involved in the children's lives and the

children would benefit by being able to maintain a consistent relationship with a paternal relative.

Kimberly is granted visitation with the children on Labor Day and Memorial Day weekends of each year. All visitation is to occur in Michigan where the children reside. Kimberly shall not travel 100 miles outside of Ferndale, Michigan for visitation and shall not leave the state for visitation. Visitation begins Friday evening at 6:00 PM EST and ends Sunday at 6:00 PM EST. The children shall call Tamika at 10:00 AM EST on Saturday and Sunday during Kimberly's visitation. The parties may agree in writing if they wish for Kimberly's parents to also participate in visitation.

The parties may also agree in writing to additional visitation between Kimberly and the children. The Court encourages the parties to do so as conflict between Kimberly and Tamika hopefully will decrease as litigation ends.

Kimberly is granted telephone/video contact with the children every Sunday at 6:00 PM EST. Kimberly is also granted telephone/video communication with the children on their birthdays, Christmas, New Year each year. The phone contact shall be at least ten (10) minutes in length. The children may call Kimberly as they freely desire.

Attorney's Fees

The parties shall bare the costs of their own attorney's fees.

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III. ORDERS

Based on the foregoing Findings of Facts and Conclusions of Law, the Court enters the following orders:

IT IS HEREBY ORDERED that Intervenor, Kimberly White, shall be granted visitation with Xyshone Judson (born 11/20/2011), Xaia Judson (born 08/13/2015) and Xionne Judson (born 05/03/2019) as follows:

Kimberly shall be granted visitation with the children on Labor Day and Memorial Day weekends of each year. All visitation shall occur in Michigan where the children reside. Kimberly shall not travel 100 miles outside of Ferndale, Michigan for visitation and shall not leave the state for visitation. Visitation shall begin Friday evening at 6:00 PM EST and end Sunday at 6:00 PM EST. The children shall call Tamika at 10:00 AM EST on Saturday and Sunday during Kimberly's visitation. The parties may agree in writing on Talking Parents if they wish for Kimberly's parents to also participate in visitation. The parties may also agree in writing to additional visitation on Talking Parents. The children's exchanges shall take place at the police station where the children were exchanged prior.

IT IS FURTHER ORDERED that Kimberly shall be granted telephone/video/Skype/FaceTime contact with the children every Sunday at 6:00 PM EST. Kimberly shall also be granted telephone/video/Skype/FaceTime communication with the children on their birthdays, Christmas, and New Year's Day each year at 6:00 PM EST. The contact shall be at least ten (10) minutes in length. Kimberly shall initiate the contact. The children may call Kimberly as they freely desire.

IT IS FURTHER ORDERED that Kimberly and Tamika shall register for Talking Parents and use the app to communicate regarding the children. Communication is limited to once a week. The parties may only call or text each other regarding emergencies.

IT IS FURTHER ORDERED that the following behavior order provisions shall apply to all parties and they are put on notice the violations of these provisions may result in fines and/or jail time:

1. No abusive contact (foul language, name calling, etc.) including telephone calls, voicemails, letters, email, texts, all forms of social media, etc., to the other party or to the children.

2. Avoid any unnecessary contact with the other party's "significant other" and friends not in common with you and do not initiate conflicts with them.

3. No unnecessary contact with other people associated with or to the other party for purposes of discussing court proceedings or making negative/disparaging allegations against the other party (this includes all forms of social media).

4. You will advise all of your friends, relatives and "significant other" not to disparage, criticize or harass the other party, and that co-parenting requires facilitating a positive relationship with the other party and that you may be sanctioned if the Court finds that you are knowingly allowing them to violate the Behavior Order.

5. No harassment at the other party's place(s) of employment, including contacting the employer to make negative or disparaging allegations; or to send or drop off evidence as it relates to these court proceedings that appears reasonably designed to put them, or likely to put

them in a bad light or to get them fired, or to have them suffer negative consequences as a result.

6. No providing copies of unsolicited documents (personal letters, court pleadings, emails, texts, etc.) to anyone associated with a party (significant others, family members, neighbors, employers, etc.) for the intended purpose of shedding the other party in a negative light.

7. Neither party shall post, nor shall you allow significant others or family members on social media to post, including, but not limited to, Facebook, Twitter, YouTube, Instagram, TikTok, LinkedIn, Tumblr, and Google+, any negative or disparaging allegation against or negative image of the other party or anyone associated with the other party.

8. Pursuant to EDCR 5.301, you will not discuss any of the court issues or proceedings with the minor children; this includes showing them any part of the pleadings or attachments/exhibits (including audio and video) thereto; you will take every precaution to secure copies of pleadings safely away from the eyes of the children at all times.

9. Neither party shall interrogate the children as to the activities or events at the other party's residence, etc., and shall try to respect and not interfere with the children's privacy and relationship with the other party; do not place the children in a loyalty bind between yourself and the other party.

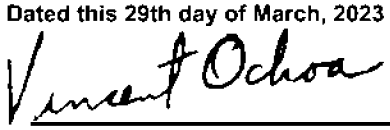
IT IS FURTHER ORDERED AND THE PARTIES ARE PUT ON NOTICE that they are subject to the requirements of NRS 125C.0045(6) and NRS 125C.0045(7.)

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.190. NRS 200.359 provides that every person having a limited

right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

IT IS SO ORDERED.

Dated this 29th day of March, 2023



FDA F06 011F 3080
Vincent Ochoa
District Court Judge

VINCENT OCHOA
DISTRICT JUDGE
FAMILY DIVISION, DEPT. S
LAS VEGAS, NV 89155

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 3/29/2023

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Kimberly White	kwhite_writer@hotmail.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 3/30/2023

Christopher Judson	8447 Sequoia Grove AVE Las Vegas, NV, 89149
Jillian Tindall	3838 Raymert DR STE 20 Las Vegas, NV, 89121
Mark McGannon	McGannon Law Office, P.C. 7495 W. Azure Drive, Suite 110 Las Vegas, NV, 89130

Electronically Filed
3/30/2023 9:48 AM
Steven D. Grierson
CLERK OF THE COURT

NOE
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, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	CASE NO.: D-19-594413-C DEPT NO.: S **NOTICE OF ENTRY OF ORDER**

Please take notice that Findings of Fact, Conclusions of Law, and Order were duly entered in the above referenced case on the 29th day of March 2023, a copy of which is attached hereto and by reference fully incorporated herein.

Dated this 29th day of March 2023.

/s/ Mark J. McGannon
Mark J. McGannon, Esq.
Nevada Bar No.: 5419
McGANNON LAW OFFICE, P.C.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

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 NOTICE OF ENTRY OF ORDER was made on this 30th day of March, 2023, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), EDCR 5.206, and EDCR Part VIII, *et seq.*, 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
KIMBERLY WHITE, INTERVENOR	Email: kwhite_writer@hotmail.com
Christopher Judson 1309 N 22nd Street #3 Las Vegas, Nevada 89101 Defendant	

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

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

TAMIKA BEATRICE JONES, PLAINTIFF, v. CHRISTOPHER CHARLES JUDSON, DEFENDANT, v. KIMBERLY WHITE, INTERVENOR.	Case No.: D-19-594413-C DEPT. NO. S

Findings of Fact, Conclusions of Law, and Order

This matter came on for an evidentiary hearing regarding grandparent's visitation. Plaintiff, Tamika Jones (hereinafter, "Plaintiff," "Mom," or "Tamika") appeared via BlueJeans with her counsel of record, Mark McGannon, Esq. Intervener, Kimberly White (hereinafter, "Intervenor," "Paternal Grandmother," or "Kimberly") appeared via BlueJeans self-represented.

The Court held an evidentiary hearing on February 03, 2023, at 9:00 AM. The Court heard arguments of counsel and testimony of the parties. No exhibits were introduced or admitted at trial. The Court, having heard the testimony of parties and other papers and pleadings on file herein, and for good cause appearing now finds and orders as follows:

I. FINDINGS OF FACT

1. This case involves three minor children: XYSHONE JUDSON, born November 20, 2011 (age 11); XAIA JUDSON, born August 13, 2015 (age 7); and XIONNE JUDSON, born May 3, 2019 (age 3).
2. Neither party disputes the jurisdiction of this Court to enter visitation orders regarding the children in this case.None of the parties or the children were in Nevada at the time of the hearing. Parents and children live in Michigan. Paternal grandmother was in California but lives in Nevada.
3. Kimberly testified and introduced no exhibits. Tamika testified and introduced no exhibits.
4. This case was initiated on August 12, 2019, when Tamika filed a Complaint for Custody. The children's father, Christopher Judson, filed an Answer on September 06, 2019.
    a. At the hearing on September 19, 2019, the Court ordered per the parties' stipulation that the parties would share joint legal custody and joint physical custody of the minor children. Order filed Oct. 24, 2019.
    b. At the hearing on December 05, 2019, as relevant here the Court ordered that Tamika shall get Christopher's permission or a Court order to relocate out of state. Order filed Feb. 05, 2020.
    c. On December 19, 2019, Tamika filed a Motion for Permission to Relocate Immediately, for Temporary Sole Physical Custody, and Related Relief. However, the hearing and motion were vacated as Tamika failed to properly serve Christopher with the motion.

d. At the return hearing on April 15, 2020, Tamika indicated that the parties had an agreement regarding custody. However, Christopher was not present to confirm the agreement. The Court referred the parties to mediation to place their agreement in writing. However, mediation did not place because the parties failed to appear.

e. On July 15, 2020, Kimberly filed a Motion to Intervene that included requests for sole legal and primary physical custody of the children and third party visitation. Neither party filed an opposition or was present for the hearing on the motion set for August 05, 2020. Kimberly was sworn in and testified that she believed that Tamika had fled to Michigan with the children and that she was the children's care taker. The Court granted Kimberly's request to intervene, granted Kimberly grandparent's visitation, and indicated that a pick up ordered would be issued if necessary to bring the children back to Nevada. Order filed Sep. 14, 2020.

f. Tamika and Kimberly were present for the hearing on August 31, 2020; Christopher was not present. Tamika indicated that she and Christopher reside together in Las Vegas. The parents and Kimberly were referred to mediation regarding grandparent visitation and Kimberly was awarded temporary grandparent visitation. Order filed Sep. 14, 2020.

g. On December 08, 2020, Kimberly filed a Motion to Enforce Visitation Order, Motion for Contempt, Motion for Pick Up Order and Attorney's Fees and Costs. Neither parent was present for the motion hearing on February 24, 2021. The court ordered that temporarily, Kimberly would have telephone contact with the

children on Tuesdays and Thursdays and that if Tamika were to reside in Michigan that Kimberly would receive visits for Spring Break, 2-3 weeks in the summer, and one week in Winter Break. Further, a Pick Up Order would be issued to effectuate visitation if necessary. Order filed Mar. 29, 2021. An Order for Return of Children was filed on March 30, 2021.

h. On November 18, 2021, Tamika filed Motion to Stay for Return to Children. On January 01, 2021, Kimberly filed an Opposition and Countermotion for an Order to Show Cause. Tamika filed an Opposition to the Countermotion for an Order to Show Cause on January 19, 2022. The hearing on the motion took place on January 20, 2022. The Court reinforced that the Court was not considering custody to Kimberly, only visitation. The hearing was continued to the next day on January 21, 2022.

i. All parties appeared for the January 21, 2022 Hearing. Christopher was sworn and testified and gave his permission for the children to relocate to Michigan with Tamika. The Court ordered that temporarily, Kimberly would have telephone contact with the children on Tuesday and Thursday at 6:00 PM or 6:30 PM Michigan time. Temporarily, Kimberly would have visitation with children for 2-3 weeks in the summer, one week spring and one week in the winter. The Court ordered for Xy'Shone and Xaia to return to Michigan and an evidentiary hearing regarding visitation was set for July 22, 2022. Order filed Jan. 25, 2022.

j. On June 16, 2022, the Court heard Tamika's request to continue the evidentiary hearing. The hearing was continued to February 03, 2023. The Court again

clarified that a request for custody by Kimberly would not be considered in this case. She would be required to file a new case for custody. Order filed Sep. 14, 2022.

5. The Court clarified that the burden was on Kimberly as the party petitioning for grandparent's visitation because at the beginning of trial she indicated several times that the burden was on Tamika and that Tamika's counsel requested trial.
6. Tamika most recently alleged that Christopher is not the children's biological father. However, Christopher is listed as the father on the children's birth certificate. See Tamika's Complaint filed Aug. 12, 2019. Christopher is presumed to be the children's father and no evidence was presented to rebut the presumption.
7. Tamika is the children's biological mother. Christopher is the children's legal father. Kimberly is Christopher's mother and the children's paternal grandmother.
8. At trial, Tamika and the children resided in Michigan. At trial, Kimberly appeared from California and indicated that she had been released from the hospital there the day prior to trial but that she lives in Nevada. Kimberly seemed to believe that the trial was based upon Tamika's request; however, the trial was set based upon Kimberly's request for grandparent visitation.
9. When the children return from visits with Kimberly, there often follows investigations by CPS in Nevada and Michigan. However, none of the allegations of neglect and abuse against Tamika were substantiated. After January 2022, Kimberly contacted the Family Mediation Center and made allegations of abuse. Kimberly denied calling CPS regarding abuse by Tamika.

10. The level of conflict between the parties is high. Although Kimberly verbalized that she did not have animosity towards Tamika, her court pleadings and actions clearly show otherwise. Kimberly tried to use the judicial process to usurp control over the children from both parents. The Court clarified on multiple occasions that custody would not be considered in this case. Kimberly filed a writ concerning the Court's decision regarding custody to the Nevada Court of Appeals; her writ was denied. Kimberly characterized the conflict between the parties as one sided; however, it is clear the parties mutually dislike each other. Kimberly frequently indicated that the parents "abducted" their own children. Kimberly's characterization of Tamika's relationship and actions with her own children have caused conflict in the parties' relationship.

11. Kimberly and Tamika met in 2011. At that time, Tamika began residing with Christopher at Kimberly's house in Michigan. Tamika was pregnant with Xyshone at that time.

12. Kimberly eventually moved to Las Vegas in 2013 and Tamika, Christopher, and Xyshone also moved to Las Vegas. Tamika and Christopher eventually had Xaia in 2015 and Xionne in 2019.

13. The parents and children lived in Kimberly's home periodically until 2019. There were periods where the parents would get their own housing; however, more often than not lived with Kimberly. Even when the parents did not live in the home, the children spent a significant of time at Kimberly's home because Kimberly's mother and father watched the children while the parents worked.

14. Kimberly provided for Tamika, Christopher, and the children while the parties lived together. Kimberly helped care for the children. She provided transportation, food and

housing for Christopher, Tamika, and the children. Additionally, Kimberly was an active participant in the children's education; she provided transportation to school. Kimberly's mother, whom also lived in the home, helped the children with their schoolwork. Kimberly's father also lived in the home with the children.

15. When Xyshone first entered school, Kimberly paid for him to attend private school at Challenger School. Kimberly and Tamika both enrolled the child for school there.
16. Kimberly's mother and father also have a close and bonded relationship with the children.
17. When Tamika moved out of Kimberly's home in 2019, the children also moved out of Kimberly's home; however, Kimberly still saw the children frequently. She assisted Tamika with transporting the children to school and saw the children 4-5 times a week.
18. Kimberly and Christopher have a poor relationship and do not speak to each other. Kimberly has not spoken to him for over a year.
19. Kimberly has not spoken to Tamika for over a year. However, the parties previously had a good relationship. Tamika considered Kimberly to be her "second mother".
20. Tamika does not want Kimberly to have visitation with the children and does not believe that it is in their best interest.
21. After Kimberly completed her direct testimony, Tamika's attorney made an oral motion for directed verdict and alleged that Kimberly failed to provide evidence to rebut the presumption that granting her a right to visitation and that her visitation was not in the best interests of the child. The Court denied the motion. "[A] directed verdict may be entered when the evidence is so overwhelming for one party that any other verdict would be contrary to the law." *Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349,

362, 212 P.3d 1068, 1077 (2009). During the pendency of the case, the Court granted Kimberly temporary visitation pending trial. The Court indicated that the Court would make a decision after a full discussion. Tamika's attorney again requested a directed verdict after cross-examining Kimberly. The request was again denied.

22. Tamika and the children moved to Michigan in November 2020 where they currently reside. Christopher was last known to have resided in Las Vegas, Nevada. The parties had an understanding that Tamika would relocate to Michigan in November 2020 while Christopher continued to reside in Nevada. This was corroborated by Christopher at the hearing on January 21, 2022.

23. From the period of 2020 to March 2022, Xyshone and Xaia resided with Kimberly from November 2021 (per the pick-up order issued by the Court) until January 2022 (when the Court ordered that children be returned to Tamika in Michigan). Kimberly refused to allow Tamika telephone or video contact with Xyshone and Xaia when they resided with her. Kimberly got a TPO issued against Tamika in December 2021 that was eventually dissolved (T-21-219814-T). The Hearing Master found "The court had issued a temporary order on allegations of harassment. [Tamika] contends that her efforts to contact [Kimberly] related to her bona fide interest in having contact with her children, and therefore does not constitute harassment. The court agrees." Order filed Jan. 10, 2022.

24. Kimberly did not see Xionne from 2020 to March 2022.

25. From March 2022 to November 2022, the parties followed the Court's temporary visitation orders.

26. Kimberly has not seen any of the children since July 2022. She last had phone contact with the children in November 2022. She did not reach out toTamika regarding the temporary visitation and telephone contact ordered by the Court. Kimberly allowed her mother to have phone calls with the children beginning in November 2022.
27. There are no significant issues related to Kimberly's mental and physical health. She indicated she had to have an emergency appendectomy but was otherwise healthy.
28. Kimberly is employed full-time as a Nurse Practitioner at Intermountain Healthcare. She has a doctor degree in nursing.
29. Xaia fears coming to Las Vegas. She recently has been acting out behaviorally in school. Tamika has nightmares that Kimberly will try to take her children. She believes that children are also having nightmares because they are afraid the Kimberly will try to take them from Tamika. Tamika currently takes Lexapro for anxiety and depression. She did not experience anxiety and depression prior to the children coming to Las Vegas with Kimberly on a pick up order.
30. Tamika does not believe that visitation between Kimberly and the children are in their best interests. From November 2021 to January 2022, Kimberly did not allow Tamika to speak to the children even though Tamika attempted to do so. Kimberly did not allow Tamika to speak to the children for Christmas and other holidays during that time. Further, Tamika does not like that Kimberly has transported the children by car for transportation while the last court ordered required Kimberly to provide transportation by plane and provide the itinerary to her.
31. The court is aware that the parents agree in denying visits to Kimberly.

II. ANALYSIS & CONCLUSIONS OF LAW

Visitation

NRS 125C.050 Petition for right of visitation for certain relatives and other persons.

1. Except as otherwise provided in this section, if a parent of an unmarried minor child:

(a) Is deceased;

(b) Is divorced or separated from the parent who has custody of the child;

(c) Has never been legally married to the other parent of the child, but cohabitated with the other parent and is deceased or is separated from the other parent; or

(d) Has relinquished his or her parental rights or his or her parental rights have been terminated,

the district court in the county in which the child resides may grant to the great-grandparents and grandparents of the child and to other children of either parent of the child a reasonable right to visit the child during the child's minority.

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

3. A party may seek a reasonable right to visit the child during the child's minority pursuant to subsection 1 or 2 only if a parent of the child has denied or unreasonably restricted visits with the child.

4. If a parent of the child has denied or unreasonably restricted visits with the child, there is a rebuttable presumption that the granting of a right to visitation to a party seeking visitation is not in the best interests of the child. To rebut this presumption, the party seeking visitation must prove by clear and convincing evidence that it is in the best interests of the child to grant visitation.

5. The court may grant a party seeking visitation pursuant to subsection 1 or 2 a reasonable right to visit the child during the child's minority only if the court finds that the party seeking visitation has rebutted the presumption established in subsection 4.

6. In determining whether the party seeking visitation has rebutted the presumption established in subsection 4, the court shall consider:

(a) The love, affection and other emotional ties existing between the party seeking visitation and the child.

(b) The capacity and disposition of the party seeking visitation to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Cooperate in providing the child with food, clothing and other material needs during visitation; and

(3) Cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this State in lieu of health care.

(c) The prior relationship between the child and the party seeking visitation, including, without limitation, whether the child resided with the party seeking visitation and whether the child was included in holidays and family gatherings with the party seeking visitation.

(d) The moral fitness of the party seeking visitation.

(e) The mental and physical health of the party seeking visitation.

(f) The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference.

(g) The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents of the child as well as with other relatives of the child.

(h) The medical and other needs of the child related to health as affected by the visitation.

(i) The support provided by the party seeking visitation, including, without limitation, whether the party has contributed to the financial support of the child.

(j) Any other factor arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.

NRS 125C.050 does not explicitly require an independent action, and thus, a motion filed within the existing custody action is sufficient. However, a party seeking grandparent visitation must have intervened or joined in custody actions between the parents in order to for the court to have jurisdiction to award grandparent visitation. *Inlow v. Fifth Judicial Dist. Court of State ex rel. Cnty. of Nye*, 132 Nev. 983 (2016).

> [I]f a parent has denied visitation with the child, there is a rebuttable presumption that granting visitation to the petitioners is not in the child's best interest. NRS 125C.050(4). And to rebut this presumption, the petitioners must demonstrate by clear and convincing evidence that it is in the best interest of the child to grant visitation. When determining whether the petitioners have rebutted the presumption, the district court shall consider the factors enumerated in NRS 125C.050(6).
>
> *Colt v. Plummer*, 82662-COA, 2022 WL 214003, at *2 (Nev. App. Jan. 24, 2022)

The Court permitted Kimberly to intervene in this action regarding visitation only.

During the evidentiary hearing, Tamika testified that the children visiting Kimberly was not in their best interests.

Under NRS 125C.050 (1) – (2) this Court may grant Kimberly a reasonable right of visitation with the children. Kimberly is presumed to be children's paternal grandmother. Further, the children and Kimberly have a meaningful relationship and have resided together in the past.

The love, affection and other emotional ties existing between the party seeking visitation and the child; the capacity and disposition of the party seeking visitation to: give the child love, affection and guidance and serve as a role model to the child, cooperate in providing the child with food, clothing and other material needs during visitation, and cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this State in lieu of health care; the prior relationship between the child and the party seeking visitation; and support provided by the party seeking visitation, including, without limitation, whether the party has contributed to the financial support of the child:.

Tamika disputed that the children were presently bonded to Kimberly. However, the evidence suggests that love, affection, and other emotional ties exist between Kimberly and the children. Kimberly provided a home for the children and helped care for educational and emotions needs when the parents lived in her home. Further, Kimberly is employed and able to provide the children food, clothing, and other material needs during visitation. Kimberly provided for Xyshone's financial needs by paying for private school education when he first began school. Kimberly helped the parents by providing housing, transportation and food. The children's care with Kimberly is not the issue in this case.

These factors favor visitation to Kimberly.

The moral fitness of the party seeking visitation; the mental and physical health of the party seeking visitation:

There was no testimony at trial that Kimberly was morally unfit or had any mental health or physical issues.

These factors favor visitation to Kimberly.

The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference:

The children did not testify. They are not of sufficient age and maturity to express a preference.

This factor is not applicable.

The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents of the child as well as with other relatives of the child:

The primary issues in this care are tThe bad feelings are between the adults and Kimberly over stepping her position as a grandmother and not the parent. Although Kimberly indicated that that she does not have animosity towards Tamika; that she would do anything for the parents, the evidence suggests that the parties mutually do not like each other. Kimberly tried to usurp parental responsibility from Tamika which increased their conflict. Kimberly refused to allow Tamika to speak to her Xyshone and Xaia while they were residing with her from November 2021 to January 2022. This demonstrates that Kimberly does not have the willingness to encourage the children's relationship with their mother.

This factor does not favor visitation to Kimberly.

The medical and other needs of the child related to health as affected by the visitation:

The children do not have any medical needs that would affect visitation.

This factor is neutral.

Any other factor arising solely from the facts and circumstances of the particular dispute that specifically pertains to the need for granting a right to visitation pursuant to subsection 1 or 2 against the wishes of a parent of the child.

There is substantial conflict between Kimberly and the parents. Kimberly does not have a good relationship with her son, Christopher, and had not spoken to him in over a year. Kimberly does not have good relationship with Tamika due the ongoing litigation and related issues.

This other factor does not favor visitation to Kimberly.

There is a rebuttal presumption that visitation is not in the children's best interests. Kimberly has the burden to overcome that presumption by clear and convincing evidence.

Most of the factors favor visitation between Kimberly and the children and the Court remains concern regarding the level of conflict between Kimberly and the parents. However, there are many ways in which visitation between Kimberly and the children would facilitate their best interest. There are significant emotional ties between Kimberly and the children. Kimberly improperly tried to usurp parental responsibility from Tamika; however, she whole heartedly but also imprudently did so because she believed she was protecting the children in some way.

The children have resided in Michigan with Tamika since November 2020. The children appear apprehensive about returning to Nevada for visitation. However, the evidence does suggest that it would be in their best interests to maintain some relationship with Kimberly. Christopher does not appear to be actively involved in the children's lives and the

children would benefit by being able to maintain a consistent relationship with a paternal relative.

Kimberly is granted visitation with the children on Labor Day and Memorial Day weekends of each year. All visitation is to occur in Michigan where the children reside. Kimberly shall not travel 100 miles outside of Ferndale, Michigan for visitation and shall not leave the state for visitation. Visitation begins Friday evening at 6:00 PM EST and ends Sunday at 6:00 PM EST. The children shall call Tamika at 10:00 AM EST on Saturday and Sunday during Kimberly's visitation. The parties may agree in writing if they wish for Kimberly's parents to also participate in visitation.

The parties may also agree in writing to additional visitation between Kimberly and the children. The Court encourages the parties to do so as conflict between Kimberly and Tamika hopefully will decrease as litigation ends.

Kimberly is granted telephone/video contact with the children every Sunday at 6:00 PM EST. Kimberly is also granted telephone/video communication with the children on their birthdays, Christmas, New Year each year. The phone contact shall be at least ten (10) minutes in length. The children may call Kimberly as they freely desire.

Attorney's Fees

The parties shall bare the costs of their own attorney's fees.

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III. ORDERS

Based on the foregoing Findings of Facts and Conclusions of Law, the Court enters the following orders:

IT IS HEREBY ORDERED that Intervenor, Kimberly White, shall be granted visitation with Xyshone Judson (born 11/20/2011), Xaia Judson (born 08/13/2015) and Xionne Judson (born 05/03/2019) as follows:

Kimberly shall be granted visitation with the children on Labor Day and Memorial Day weekends of each year. All visitation shall occur in Michigan where the children reside. Kimberly shall not travel 100 miles outside of Ferndale, Michigan for visitation and shall not leave the state for visitation. Visitation shall begin Friday evening at 6:00 PM EST and end Sunday at 6:00 PM EST. The children shall call Tamika at 10:00 AM EST on Saturday and Sunday during Kimberly's visitation. The parties may agree in writing on Talking Parents if they wish for Kimberly's parents to also participate in visitation. The parties may also agree in writing to additional visitation on Talking Parents. The children's exchanges shall take place at the police station where the children were exchanged prior.

IT IS FURTHER ORDERED that Kimberly shall be granted telephone/video/Skype/FaceTime contact with the children every Sunday at 6:00 PM EST. Kimberly shall also be granted telephone/video/Skype/FaceTime communication with the children on their birthdays, Christmas, and New Year's Day each year at 6:00 PM EST. The contact shall be at least ten (10) minutes in length. Kimberly shall initiate the contact. The children may call Kimberly as they freely desire.

IT IS FURTHER ORDERED that Kimberly and Tamika shall register for Talking Parents and use the app to communicate regarding the children. Communication is limited to once a week. The parties may only call or text each other regarding emergencies.

IT IS FURTHER ORDERED that the following behavior order provisions shall apply to all parties and they are put on notice the violations of these provisions may result in fines and/or jail time:

1. No abusive contact (foul language, name calling, etc.) including telephone calls, voicemails, letters, email, texts, all forms of social media, etc., to the other party or to the children.

2. Avoid any unnecessary contact with the other party's "significant other" and friends not in common with you and do not initiate conflicts with them.

3. No unnecessary contact with other people associated with or to the other party for purposes of discussing court proceedings or making negative/disparaging allegations against the other party (this includes all forms of social media).

4. You will advise all of your friends, relatives and "significant other" not to disparage, criticize or harass the other party, and that co-parenting requires facilitating a positive relationship with the other party and that you may be sanctioned if the Court finds that you are knowingly allowing them to violate the Behavior Order.

5. No harassment at the other party's place(s) of employment, including contacting the employer to make negative or disparaging allegations; or to send or drop off evidence as it relates to these court proceedings that appears reasonably designed to put them, or likely to put

them in a bad light or to get them fired, or to have them suffer negative consequences as a result.

6. No providing copies of unsolicited documents (personal letters, court pleadings, emails, texts, etc.) to anyone associated with a party (significant others, family members, neighbors, employers, etc.) for the intended purpose of shedding the other party in a negative light.

7. Neither party shall post, nor shall you allow significant others or family members on social media to post, including, but not limited to, Facebook, Twitter, YouTube, Instagram, TikTok, LinkedIn, Tumblr, and Google+, any negative or disparaging allegation against or negative image of the other party or anyone associated with the other party.

8. Pursuant to EDCR 5.301, you will not discuss any of the court issues or proceedings with the minor children; this includes showing them any part of the pleadings or attachments/exhibits (including audio and video) thereto; you will take every precaution to secure copies of pleadings safely away from the eyes of the children at all times.

9. Neither party shall interrogate the children as to the activities or events at the other party's residence, etc., and shall try to respect and not interfere with the children's privacy and relationship with the other party; do not place the children in a loyalty bind between yourself and the other party.

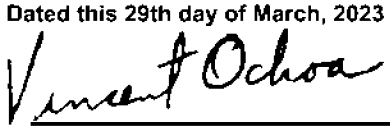
IT IS FURTHER ORDERED AND THE PARTIES ARE PUT ON NOTICE that they are subject to the requirements of NRS 125C.0045(6) and NRS 125C.0045(7.)

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.190. NRS 200.359 provides that every person having a limited

right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

IT IS SO ORDERED.

Dated this 29th day of March, 2023



FDA F06 011F 3080
Vincent Ochoa
District Court Judge

VINCENT OCHOA
DISTRICT JUDGE
FAMILY DIVISION, DEPT. S
LAS VEGAS, NV 89155

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Tamika Beatrice Jones, Plaintiff.	CASE NO: D-19-594413-C
vs.	DEPT. NO. Department S
Christopher Charles Judson, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 3/29/2023

Kari Molnar	kari@molnarfamilylaw.com
Mark McGannon	mark@mcgannonlawoffice.com
Jean McGannon	jean@mcgannonlawoffice.com
Julio Vigoreaux	jvigoreauxlaw@gmail.com
Admin Staff	efile@mcgannonlawoffice.com
Tamika Jones	tamikaj8092@gmail.com
Kimberly White	kwhite_writer@hotmail.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 3/30/2023

Christopher Judson	8447 Sequoia Grove AVE Las Vegas, NV, 89149
Jillian Tindall	3838 Raymert DR STE 20 Las Vegas, NV, 89121
Mark McGannon	McGannon Law Office, P.C. 7495 W. Azure Drive, Suite 110 Las Vegas, NV, 89130

Electronically Filed
05/01/2023
CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

DR. KIMBERLY WHITE, Pro se
10461 Hartford Hills Ave
Las Vegas, NV 89166
702-982-0191
kwhite_writer@hotmail.com
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE VINCENT OCHOA, DISTRICT JUDGE,

MARK J. McGANNON, Attorney for Plaintiff, Tamika Jones,

Christopher C Judson, Defendant

Respondents.

Supreme Court Case No.:

8th Judicial District Court Case No.: D594413

NOTICE OF INTENT TO APPEAL

NOTICE OF INTENT TO APPEAL

Notice of Intent to Appeal to the Supreme Court From a Judgment of District Court case No. D594413 Dept. S.

Notice is hereby given that Kimberly White, Intervenor above named, hereby appeals to the Supreme Court of Nevada from the order entered in this action on the 29th day of March, 2023.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Kimberly White
10461 Hartford Hills Ave
Las Vegas, NV 89166
702-982-0191
kwhite_writer@hotmail.com