

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY AND GEORGINA
STUART

Petitioners,

v.

EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND
FOR THE COUNTY OF CLARK; THE
HONORABLE SUSAN JOHNSON,
DISTRICT JUDGE,

Respondent.

and

STEVE EGGLESTON, an individual,

Real Party-In-Interest.

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CASE NO. 87906

DISTRICT COURT CASE NO.
A-16-748919-C

**PETITIONERS' REPLY TO REAL PARTY IN INTEREST'S
OPPOSITION TO EMERGENCY MOTION TO STAY
DISTRICT COURT PROCEEDINGS PENDING CONSIDERATION OF
EMERGENCY PETITION FOR WRIT OF MANDAMUS**

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Petitioners CLARK COUNTY and GEORGINA STUART (“Petitioners”), respectfully submit this Reply to Real Party In Interest’s (“RPII”) Opposition (“Opposition”) to Petitioners’ Emergency Motion to Stay District Court Proceedings (“Motion”), pursuant to NRAP 27(a)(4) correcting factual and legal inaccuracies in the Opposition.

I. ARGUMENT

A. Clarification of the District Court Record

The RPII misstates that his 42 U.S.C. §1983 and intentional infliction of emotional distress claims survived multiple dispositive motions and appeal. Rather, two Motions to Dismiss were filed premised on the 42 U.S.C. §1983 claim. (DOC 3, MTS 0055-70). The first MTD was granted allowing the RPII to amend his Complaint; and the second MTD was granted, appealed to this Court, and remanded on 2/23/2019 to allow him to attempt to prove his substantive due process allegations. The only dispositive motion was Petitioner’s Motion for Summary Judgment (MSJ). The 1/15/2024 Order thereon is the subject of Petitioners’ pending Writ Petition.

B. The District Court Effectively Denied the Stay Motion

Less than 24 hrs. after receiving the 1/15/2024 Order denying Petitioners qualified immunity, on 1/16/2024, Petitioners submitted a Motion to Stay and an unopposed Request for Order Shortening Time to the District

Court because trial was set for 1/22/2024 and there was no time for it to be heard in ordinary course. The District Court's 1/17/2024 email stating "[t]he Court is declining to hear this matter on [an unopposed] OST. The trial date is still set for Monday January 22, 2024," (DOC 4, MTS 0071), effectively denied the Motion to Stay without hearing. The circumstances are not *ordinary* as contemplated by NRAP 8(a)(1). Also, this Court has granted a stay when the district court has not ruled on such a request. Ferrellgas Inc. v. Dist. Ct. (Green), Case No. 82670, 7/30/21 Order, Doc. 21-22123.

C. The RPII Asserts No Irreparable Injury If the Stay Continues

The RPII chose to move to England in April 2016 after the children were taken to Illinois by maternal aunt Lisa Callahan; and file his action in Nevada. He concedes litigation costs, "even if potentially substantial," are not irreparable harm under Mikohn Gaming Corp. v. McCrea, 120 Nev. 248, 253, 89 P.3d 36, 39 (2004), but argues his irreparable harm results from the incurred cost and length of the intercontinental flight from England to attend the 1/22/2024 trial. The RPII astoundingly asserts "this case concerns Eggleston's efforts to meaningfully reunite with his two minor sons...and is a crucial first step toward making that reunification possible." This is not a custody matter. It is a civil rights suit seeking \$50 million. This action seeks no relief that would afford reunification with the RPII's children. The Joint Pretrial Memorandum

filed 1/12/2024, delineates emotional pain and suffering, loss of enjoyment of life, loss of earning capacity and punitive damages, and attorney's fees. (Exh. A hereto). **This suit does not seek reunification with the children and the Nevada general jurisdiction District Court has no authority to "reunite" the RPII with his sons who remain in Illinois, subject to the undisputed jurisdiction of the Illinois court. (Exh. B hereto – 7/10/2015 Illinois Guardianship Order).** This suit is about money.

D. Qualified Immunity Law and Undisputed Facts Govern

The key flaw in the RPII's argument regarding qualified immunity afforded Petitioners, is the straightforward fact that *Petitioner's* did *not* "remove" the children from the RPII's home. The children were NEVER taken into Petitioners' protective custody. The RPII does not dispute this fact. His citation to case(s) where the children were removed from the home and taken into protective custody by a child welfare agency are irrelevant.

The RPII fails to address the two-fold federal constitutional analysis outlined in Petitioners' briefing: 1) Was the RPII's constitutional right to parent violated on these facts? Without child welfare removal of the children, under federal law, no parental right was violated. The RPII does not dispute that the maternal aunt, and not Petitioners, took physical custody of the children prior to Petitioners' closing their case. Accordingly, it was

not Petitioners who interfered with his right to parent, a constitutional claim has not attached, and the inquiry ends here. However, if the Court determines that Petitioners' suggestion of an alternative protective family placement, which the RPII chose on the advice of his attorney, raises a constitutional question, the Court must move to the second prong of the analysis: 2) At the time of the challenged conduct, 1/7/2015, was there clear federal law placing Petitioners on notice that providing of a family protective care option would constitute an unconstitutional interference with the right to parent. If not, Petitioners are entitled to qualified immunity. Neither before the District Court nor in the Opposition, does the RPII cite a single case that would place Petitioner's on reasonable notice that a presentation of protective placement options to a family which is the subject of a child welfare investigation, in lieu of a child welfare agency's removal to protective custody, would violate the parent's constitutional right – which is RPII's burden. Absent that showing, Petitioners are entitled to qualified immunity from litigation and are entitled to summary judgment. *Saucier v. Katz*, 533 U.S. 194, 200-201 (2001).

The substantive due process claim factually rests on the alleged coercion of the RPII to sign Temporary Guardianships arising from the presence of two police officers on the day Petitioners arrived at the home to

present the options. He argues the “two police officers forced him to sign a temporary guardianship...under threat of never seeing his children again.” Opposition p. 2. There is NO evidence in the record to establish either officer engaged in coercive behavior, and neither the officers nor their employer, Las Vegas Metropolitan Police Department, are parties to the underlying suit. There IS undisputed evidence the RPII spoke with his lawyer before signing the Temporary Guardianship and she advised him to sign the Guardianships.

Finally, the RPII’s assertion of remaining disputed issues of fact concerning whether there was “existence of reasonable cause, the sufficiency of a child welfare investigation, and the scope of an intrusion” fails. **On 10/13/2023, in upholding Petitioners’ Substantiation of “Physical Injury Neglect, 14N Physical Injury Risk” as to the RPII, the First Judicial District Court, determined he failed to show Petitioners’ final Substantiation decision was 1) in violation of a constitutional right or statutory provision; 2) in excess of statutory authority of the agency; 3) made upon unlawful procedure; 4) affected by other error of law; 5) clearly erroneous in view of the reliable probative and substantial evidence on the whole records; or 6) arbitrary, capricious or characterized by abuse of discretion. (Exh. C hereto).**

II. CONCLUSION

Based upon the foregoing, Petitioners respectfully submit that the Court's grant of a temporary stay was appropriate for the reasons set forth in the Motion and should continue until resolution of the Petition for Writ of Mandate.

RESPECTFULLY SUBMITTED this 22nd day of January, 2024.

OLSON CANNON GORMLEY & STOBERSKI

/s/ Felicia Galati, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2024, I served a true and correct copy of the above and foregoing **PETITIONERS' REPLY TO REAL PARTY IN INTEREST'S OPPOSITION TO PETITIONERS EMERGENCY MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING CONSIDERATION OF EMERGENCY PETITION FOR WRIT OF MANDAMUS** by electronic service through the Nevada Supreme Court's website upon the following:

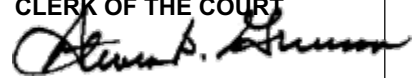
THE HONORABLE SUSAN J. JOHNSON
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DEPARTMENT 22
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Via Email

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EXHIBIT “A”



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DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

STEVE EGGLESTON, an individual,

Plaintiff,

vs.

GEORGINA STUART; DEPARTMENT OF
FAMILY SERVICES, CHILD SUPPORT
SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO. A-16-748919-C

DEPARTMENT NO. XXII

**JOINT PRE-TRIAL
MEMORANDUM**

Plaintiff STEVE EGGLESTON and Defendants GEORGINA STUART and CLARK COUNTY, NEVADA, by and through their undersigned attorneys, hereby submit their Pre-Trial Memorandum pursuant to EDCR 2.67. The EDCR 2.67(a) conference was held on December 8, 2023, with Paola M. Armeni, Esq. appearing on behalf of Plaintiff, and Felicia Galati, Esq. and Stephanie Barker, Esq. appearing on behalf of Defendants.

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1 **I. BRIEF STATEMENT OF FACTS**

2 On December 23, 2014, Clark County Department of Family Services, Child Protective
3 Services, based on a referral from a confidential source, opened a child abuse/neglect case against
4 Laura Rodriguez (Case: 1362581 – RODRIGUEZ, LAURA). CPS assigned Ms. Stuart (now
5 Anderson) to investigate and assess the family’s needs. At the time, the family consisted of minor
6 children K.R., J.R., H.E., and R.E.; Laura (biological mother of all four minor children); and Mr.
7 Eggleston (biological father of H.E. and R.E. (“Eggleston Boys”)). The basis for the investigation
8 was whether Laura’s mental health issues (including recent suicidal ideations) and substance abuse
9 issues (drugs and alcohol) were placing the minor children at risk. Prior to CPS opening its
10 investigation, Laura’s older daughters – Alexis Rodriguez and Selena Rodriguez – were visiting
11 with the family during their winter break from college and high school in Illinois. After the
12 investigation began, Laura’s sister, Defendant LISA CALLAHAN flew to Las Vegas from Illinois.

13 As part of her investigation, on December 24, 2023, Stuart coordinated a Present Danger
14 Plan, whereby Mr. Eggleston, Alexis, and Selena agreed to provide 24/7 supervision of the minor
15 children whenever they were in the presence of Laura. Plaintiff requested financial assistance with
16 rent and daycare, and between December 23, 2014, and January 6, 2015, Stuart took steps to facilitate
17 obtaining rental assistance and in-home services for the family. On 12/29/14 CPS received a third
18 Hotline call while under investigation for the above 12/22/14 Report. This third call indicated Laura
19 expressed suicidal thoughts “last week” and was put on a Legal 2000. On January 5, 2015, Alexis
20 and Salena called Stuart and expressed concerns about Steve’s reluctance to intervene to protect the
21 children. Laura was involuntarily committed on a Legal Hold 2000 to Montevista Hospital between
22 12/22/14 and 12/25/14. Two days later, on 12/27/14, Laura checked herself into St. Rose Sienna
23 Hospital where she remained until 12/29/14. Plaintiff’s youngest son, H.E. (two yrs. old) was
24 admitted to the hospital on 12/28/14 for appendicitis, where he remained from 12/28/14 to
25 1/9/15.

26 Alexis, Selena, and LISA CALLAHAN told Stuart they were returning to Illinois in early
27 January. On January 6, 2015, Ms. Stuart attended a case staffing meeting with Management at
28

1 DFS and a representative at Mohave Mental Health, during which a decision was made that in the
2 absence of Alexis, Selena, and LISA, the minor children could no longer remain in the family
3 home with Laura and/or Mr. Eggleston, and thus, DFS would no longer pursue financial assistance
4 or in-home family services.

5 On January 7, 2015, Ms. Stuart attended a meeting at the family's home, during which she
6 presented Laura and Mr. Eggleston with DFS's two options: 1) sign over temporary guardianship
7 of the minor children to LISA CALLAHAN and her husband, Defendant BRIAN CALLAHAN;
8 or 2) CPS would remove the children for out-of-home placement pending Child Welfare court
9 intervention. After speaking with Emily McFarling, an attorney, Laura and Mr. Eggleston went
10 to a UPS store where they signed the temporary guardianships before a notary, and returned to the
11 home to provide copies to Ms. Stuart. Ms. Stuart then left the Eggleston home without the children.
12 On or about January 9, 2015, LISA CALLAHAN returned to Illinois with the Minor Children,
13 where they remain to this day. Ms. Callahan subsequently obtained temporary custody of the
14 Eggleston Boys through an Illinois court order.

15 Thereafter, on February 2, 2015, DFS complied with its statutory obligation to report to the
16 Nevada Central Registry the substantiated "Physical Injury Neglect, 14N Physical Injury Risk" as
17 to Plaintiff, and closed their case.

18 **II. CLAIMS FOR RELIEF**

- 19 1. Civil Rights – Violation of 42 U.S.C. § 1983 (*see* Amended Complaint at ¶¶ 27-31)
- 20 2. Intentional Infliction of Emotional Distress (*see* Amended Complaint at ¶¶ 38-41)
- 21 3. Defamation, Libel, and Slander (*see* Amended Complaint at ¶¶ 42-49)

22 Theory of Recovery:

23 Defendants' actions constituted a Fourteenth Amendment due process interference with
24 the parent child relationship, including Mr. Eggleston's right to a custodial interest (as the
25 Eggleston Boys were minors at the time) and to a companionship interest (which continues to this
26 day given the Eggleston Boys still reside with Ms. Callahan in Illinois). Mr. Eggleston alleges
27 that Defendants forced him to sign papers giving Ms. Callahan temporary guardianship of the
28

1 Eggleston Boys, presenting a substantive due process claim for violation of the fundamental right
2 to parent his children. Mr. Eggleston also alleges that Defendants failed to disclose and explain
3 any allegations or reports of child abuse or neglect and/or failure to protect, thereby depriving him
4 of notice and a fair opportunity to be heard, presenting a procedural due process claim.

5 In removing the possibility of reunification and violating Mr. Eggleston's fundamental
6 right to raise his children, after presenting themselves as allies working to secure financial
7 assistance and in-home services for the family, Defendants' conduct was extreme and outrageous
8 and understandably caused him emotional distress as a father. In substantiating the allegations of
9 abuse/neglect and reporting same with the Statewide Central Registry for the Collection of
10 Information Concerning the Abuse or Neglect of a Child, Defendants defamed Mr. Eggleston.

11 Category of Damages:

- 12 • Emotional Pain & Suffering
- 13 • Loss of Enjoyment of Life
- 14 • Loss of Earning Capacity
- 15 • Punitive Damages (NRS 42.005(1))
- 16 • Attorney's Fees

17 **III. AFFIRMATIVE DEFENSES**

18 1. The Plaintiff's First Amended Complaint fails to state a claim against these
19 Answering Defendants upon which relief can be granted.

20 2. That any damages suffered by the Plaintiff was a direct and proximate result of his
21 own misconduct and actions.

22 3. The Plaintiff has failed to mitigate his own damages.

23 4. The acts about which the Plaintiff complains were justified and privileged under
24 the circumstances.

25 5. Clark County has not enacted any policy, statute, ordinance or custom which denied
26 the Plaintiff his constitutional rights.

27 6. These Answering Defendants are protected by the doctrine of "qualified immunity"
28

1 and other immunities provided for in law, therefore, this action is barred.

2 7. Pursuant to NRS 41.035, an award arising out of an act or omission by or on behalf
3 of these Answering Defendants and/or the other Defendants who are governmental entities, if any,
4 may not exceed \$100,000 and the Plaintiff may not recover in excess of that amount from these
5 Answering Defendants and/or the other governmental entities, even if these Answering Defendants
6 are found to have liability, which these Answering Defendants deny, and/or the other Defendants
7 who are governmental entities are found to have liability.

8 8. These Answering Defendants engaged in no conduct shocking to the conscience,
9 required for liability for a substantive due process violation.

10 9. These Answering Defendants were not deliberately indifferent to the Plaintiff's
11 health, safety or constitutional rights.

12 10. Pursuant to NRS 41.035, these Answering Defendants are immune from punitive
13 damages arising from any state law claims.

14 11. There has been no deprivation of rights, privileges, or immunities of the Plaintiff.

15
16 12. The Plaintiff voluntarily consented to a temporary guardianship.

17 13. These Answering Defendants assert that they did not cause any injury or act in
18 furtherance of a conspiracy.

19 14. Pursuant to NRS 41.032 these Answering Defendants are immune from liability for
20 the performance of discretionary functions such as those alleged in the Plaintiff's Complaint.

21 15. The Plaintiff is barred from recovering any relief on his Complaint pursuant to the
22 doctrine of unclean hands and equitable estoppel.

23 16. The court lacks personal and/or subject matter jurisdiction to rule on this action or
24 claims as it relates to child custody matters.

25 17. That at the time and under the circumstances alleged in Plaintiffs' First Amended
26 Complaint, these Answering Defendants held an objective good faith belief that their actions were
27 reasonable, privileged, and justified.

18. These Answering Defendants did not engage in any conduct that rises to the level of extreme and outrageous conduct.

19. Statements made by these Answering Defendants were truthful, and therefore, cannot be considered libel or defamatory.

20. These Answering Defendants disclosed certain information pursuant to NRS 432B.280, NRS 432B.290, and other provisions of NRS Chapter 432B.

21. Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts are not available after reasonable inquiry into the Plaintiff's First Amended Complaint, and therefore, these Answering Defendants reserve the right to amend their Answer to allege additional affirmative defenses, if subsequent investigation warrants.

IV. CLAIMS/DEFENSES TO BE ABANDONED

Plaintiff does not abandon any of his claims.

Defendants abandon their Twelfth Affirmative Defense stating: The Plaintiff failed to exhaust administrative remedies before filing suit, including giving notice to these Answering Defendants as required by NRS 41.0366(2).

V. LIST OF EXHIBITS

A. Joint Exhibits

No.	Description	Bates Range	Will/May Use
1	1/5/15 Email exchange between Stuart and McKay re: income for EA release and removal	CC 1826, 1842, 1847, 1854	May
2	Nevada Initial Assessment	CC 041B- CC 051B	May
3	1/5/15 Email exchange between Abruscato and Atteberry re: safety services program	CC 2056	Will
4	1/5/15 Emails re: January 6 meeting	CC 1864-1871	Will
5	1/6/15 Email from Steve to Stuart re: Steve's address	EGGLESTON 211	Will
6	1/6/15 Emails re: inhome	CC 6439 -6451	Will

	specialist		
7	1/6/15 Email exchange between Stuart and Arsineh Maridan	CC 1874- 1881	Will
8	1/6/15 SNHD Referral Form	EGGLESTON 1344	May
9	1/6/15 Atteberry Calendar entry and Note	CC 1370, CC 1691,	May
10	1/6/15 Stuart Calendar entry	CC 1912	Will
11	1/6/15 McKay calendar entry	CC 2069	May
12	1/7/15 Present Danger Assessment Report	CC 1134 – CC 1136	Will
13	1/7/15 CAD report	EGGLESTON 1345	May
14	1/7/15 Unit Log	EGGLESTON 1346 - 1347	May
15	1/7/15 Call from Stuart to LVMPD	CC #10	Will
16	1/7/15 Stuart timecard	CC 1793	May
17	1/7/15 Stuart Vehicle Log	CC 1794	Will
18	1/7/15 Nomination and Consent of Guardianship – Ryder	CC 5383	Will
19	1/7/15 Nomination and Consent of Guardianship – Hunter	CC 5381	Will
20	1/7/15 Handwritten notes of Emily McFarling	CC 5426	Will
21	1/7/15 Email from Steve to Emily McFarling re: events that occurred that day	CC 5212-5214	Will
22	1/8/15 Email from Steve to Emily McFarling re: setting up appointment	CC 5218	Will
23	1/11/15 Email exchange between Steve and Emily	CC 5225 -CC 5226 and CC 5229	Will
24	1/12-1/23/15 – Email exchanges between Stuart and Callahan	CC 1884, 1888	Will
25	1/21/15 Emily McFarling handwritten notes	EGGLESTON 1167	Will
26	1/26/15 –Police check of Callahan’s home	EGGLESTON 501-502	Will
27	2/2/15 Substantiation Letter	EGGLESTON 196	May
28	Bruce Cole letter to Steve	CC 6535	May
29	Stuart Training	CC 548- CC 554	May

30	Stuart NIA Training	CC 1161-1162, 1164-1165,	May
31	Stuart phone records	CC 1786 – CC 1791	Will
32	Steve's phone records	CC 6389 – CC 6433	May
33	DFS Policy – Intake	CC 566- CC 596 CC 7002- CC 7064	May
34	DFS Policy – Risk Assessment	CC 597-CC 598	May
35	DFS Policy – Investigation Policies	CC 124-CC 233	May
36	DFS Policy – Investigation Guidelines	CC 234-CC 347	May
37	DFS Investigation Documentation	CC 348 – CC 396	May
38	DFS – Nevada Child Abuse and Neglect Allegation Definitions	CC 397-CC 401	May
39	DFS – Nevada Substantiation Policy	CC 402 – CC 409	May
40	2013 ACTION for Child Protection	CC 713 -CC 908	May
41	Impending Danger and Caregiver Protective Capacity	CC 1173- CC 1196	May
42	2014 NIA Intervention Manual	CC 1913 – CC 2055	May
43	4/17/14 CPS Referral Summary	EGGLESTON 1313-1316	Will
44	Unity Case Notes	CC 001A-CC017A	Will
45	12/22/14 CPS Referral Summary	EGGLESTON 1317-1323	May
46	12/23/14 Present Danger Assessment Report	CC 1156-CC 1158	Will
47	12/24/14 Present Danger Assessment Report	CC 1131 – CC 1132	Will
48	12/24/14 Present Danger Plan	EGGLESTON 1324	Will
49	12/29/14 CPS Referral Summary	EGGLESTON 1325-1330	May
50	12/29/14 Boystown Referral	EGGLESTON 1331-1332	May
51	Callahan Hotel records from Excalibur (12/31-1/3)	EGGLESTON 2733-2734	Will
52	1/2/15 Email from Steve to Stuart re: rent check, staying with Hunter	EGGLESTON 207	Will
53	Callahan Hotel records from Green Valley Ranch (1/3-1/7)	EGGLESTON 2071, 2081	Will

54	1/5/15 Email from Steve to Stuart re: income	CC 1808 - 1823	Will
55	Steve's Negative drug test	CC 1692	May
56	1/5/15 Email from Steve to Stuart re: Laura chase statement	CC 1824 - 1825	Will
57	Lisa Callahan phone records	EGGLESTON 2087A-2711A	Will
58	CPS Brochure 5/2016	CC 1138 – CC 1146	May

B. Plaintiff's Exhibits

Defendants' objections to Plaintiff's proposed Exhibits, are set forth by number consistent with the footnoted key below:

No.	Description	Bates Range	Will/May Use	Objections ¹
200	Nevada Initial Assessment (last modified 1/26/15)	CC 412-422	May	2, 3, 12, 13 and 14
201	Nevada Initial Assessment (last modified 1/6/15)	CC 6441-6450	Will	2, 3, 12, 13 and 14
202	1/5/15 Email from Lisa Callahan to Stuart re: daycare	CC 1857-1861	Will	1, 2, 6, 7, 8, 12, 13 and 14
203	2/2/15 Complaint for Paternity and Child Custody (Verification 1/29/15)	EGGLESTON 1039-1042	May	1, 2, 3, 6, 7, 12, 13 and 14
204	2/4/15 Email from Peg Kastberg to Steve re: Kathy Battisella	EGGLESTON 194	May	1, 2, 3, 4, 6, 8, 12, 13 and 14
205	2/9/15 Email from Steve to Peg Kastberg re: appeal of DFS substantiation	EGGLESTON 181	May	1, 2, 3, 4, 6, 8 and 14
206	2/12/15 Appeal of Substantiation	EGGLESTON 1355	Will	2, 13 and 14

¹ Objection Key: (1) Inadmissible Hearsay (NRS 51.035, 51.045, 51.065), (2) Irrelevant (NRS 48.015, 48.025, (3) Cumulative (NRS 48.035(2)), (4) Authenticity (NRS 52.015), (5) Not Timely Disclosed Pursuant to NRC 16.1, (6) Prejudice Outweighs Probative Value (NRS 48.035(1)), (7) Callahan Defaults, (8) Foundation, (9) Not Produced, (10) Improper Redaction, (11) Improper Exhibit, (12) Subject to Pending Motion for Summary Judgment and Motion in Limine; (13) Outside the Scope of the First Amended Complaint, (14) *Res Judicata* and (15) Inadmissible offer to compromise (NRS 48.105)' (16) Undated Document.

1	207	3/28 -29/19 Email exchanges between Steve and Lisa re: facetime with boys	Eggleston 49-53	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
2	208	3/30/15 Petition for Guardian of Minor	CC 1780 – CC 1781	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
3	209	3/31/15 Letter from Emily McFarling to Callahans	EGGLESTON 179-80	Will	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
4	210	4/1/15 Email from Steve to Lisa Callahan re: getting boys back	EGGLESTON 54	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
5	211	4/5/15 – 4/10/15 Email exchange between Steve and Lisa re: Easter wishes and a phone call	EGGLESTON 59-60	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
6	212	4/25/15 – Email exchange between Steve and Lisa re: Hunter sleeping on call, returning boys	EGGLESTON 61-64	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
7	213	5/1/15-5/2/15 – Email exchange between Steve and Lisa re: calling Steve on his	EGGLESTON 66-67	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
8	214	5/20/15 McFarling letter to Callahan's attorney	EGGLESTON 1088	May	1, 2, 4, 6, 7, 8, 13 and 14
9	215	5/21/15 Objection to Guardianship and Hearing in IL	EGGLESTON 36-48	Will	1, 2, 4, 6, 7, 8, 12, 13 and 14
10	216	5/21/15 – Declaration of Emily McFarling in support of Prove Up Brief	EGGLESTON 1076	May	1, 2, 4, 6, 8, 12, 13 and 14
11	217	6/4/15 Stipulation to Revoke Guardianship	EGGLESTON 1018-1025	Will	1, 2, 4, 6, 8, 12, 13 and 14
12	218	6/5/15 Email exchange between Stuart and Callahan attorney	CC 1895	Will	1, 2, 3, 5, 6, 7, 8, 10, 12, 13 and 14
13	219	6/9/15 Email from Emily Smith to Steve and Emily – re: summary of CPS report and Notes.	CC5287 and 5429-5430	Will	1, 2, 4, 6, 7, 8, 12, 13 and 14

220	6/12/15 Jennifer Lynch appearance in Family Court matter	EGGLESTON 1017	May	1, 2, 6, 7, 8, 12, 13 and 14
221	6/22/15 Withdrawal of Steve's IL attorney	EGGLESTON 1160-1161	May	1, 2, 4, 6, 7, 12, 13 and 14
222	6/24/15 Decree of Paternity	EGGLESTON 1033-1034	Will	1, 2, 6, 7, 8, 13 and 14
223	6/29/15 Decree of Custody	EGGLESTON 990 - 995	Will	1, 2, 6, 7, 12, 13 and 14
224	7/2/15 Email from Steve to Lisa re: return of his boys	EGGLESTON 69-76	Will	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
225	7/2/15 Letter from Emily McFarling to attorney Shabazz re: return of kids	CC 5367	Will	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
226	7/2/15 Letter from Emily McFarling to Jennifer Lynch re: revocation of consents.	CC 5301	Will	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
227	7/10/15 Email from Steve to Lisa re: returning of boys	EGGLESTON 77	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
228	7/10/15 Email from Jennifer Lynch to Steve	EGGLESTON 175-176	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
229	7/11/15 Email from Emily McFarling to Jennifer Lynch	EGGLESTON 177	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
230	7/23/15 Email from Steve to Lynch	EGGLESTON 178	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
231	9/17/15 Email exchange between Steve and Lisa requesting to speak to boys (2 months no communication)	EGGLESTON 78-80	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
232	Fair Hearing Transcript – Stuart testimony	CC 109, 132-153	May	1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 and 14
233	10/15/15 -10/18/15 Email from Steve to Lisa re: denial of speaking to boys, visits, custody	EGGLESTON 82-85	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14

234	10/28/15 Email from Lisa to Steve re: 7/10/15 Illinois Order	EGGLESTON 91-92	May	1, 2, 3, 4, 6, 7, 2358, 13 and 14
235	11/10/15 Email to Lisa from Steve re: gift and letter for boys	EGGLESTON 93-95	May	1, 2, 4, 6, 7, 8, 12, 13 and 14
236	11/18/15 Email from Lisa to Steve re: visit that works for her	EGGLESTON 96	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
237	12/16/15 Email from Steve to Lisa re: gifts for boys	EGGLESTON 98	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
238	12/22/15 Supplemental Exhibit	EGGLESTON 996-997	Will	
239	Blank Children's Learning Adventure Parent Handbook Acknowledgment and Receipt Form and Parent Program Information	EGGLESTON 673, 687-723	Will	1, 2, 4, 6, 8, 12, 13 and 14
240	12/29/15 Email from Steve to Lisa re: Happy Birthday to Ryder	EGGLESTON 99	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
241	1/10/16 Email from Steve to Lisa re: unable to visually communicate with boys	EGGLESTON 100	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
242	1/17/16 Email from Steve to Lisa re: unable to visually communicate with boys and visitation schedule	EGGLESTON 101	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
243	2/22/16 Email from Steve to Lisa re: communication and visits	EGGLESTON 103	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
244	3/1/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 104	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
245	4/17/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 105	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
246	4/25/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 106	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
247	5/2/16 Email from Steve to Lisa re: communication with	EGGLESTON 107	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and

	boys			14
248	5/8/16 Email from Steve to Lisa re: communication and visits	EGGLESTON 108	May	1, 2, 3,4, 6, 7, 8, 12, 13 and 14
249	5/15/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 110	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
250	5/22/16 Email from Steve to Lisa re: communication and cards to boys	EGGLESTON 111	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
251	5/27/16 Email from Steve to Lisa re: receipt of cards to boys	EGGLESTON 112	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
252	5/29/16 Email from Steve to Lisa re: communication with boys	EGGELSTON 113	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
253	6/12/16 Email from Steve to Lisa re: communication with boys	EGGELSTON 114	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
254	6/19/16 Email from Steve to Lisa re: communication on Father's Day	EGGLESTON 115	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
255	6/26/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 116	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
256	7/3/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 117	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
257	7/10/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 118	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
258	7/17/16 Emails from Steve to boys	EGGLESTON 1	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
259	7/17/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 119	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
260	7/21/16 Email from Steve to Lisa re: communication and birthday presents	EGGLESTON 120	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
261	7/30/16 Email from Steve to Lisa re: communication with boys and Dana	EGGLESTON 121	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
262	8/7/16 Email from Steve to Lisa re: communication with	EGGLESTON 123	May	1, 2, 3, 4, 6, 7,

	boys			8, 12, 13 and 14
263	9/4/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 125	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
264	10/9/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 127	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
265	10/16/16 Email from Steve to Lisa re: communication with boys and visit with boys	EGGLESTON 128	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
266	10/30/16 Email from Steve to Lisa re: communication with boys and visit with boys, termination of guardianship	EGGLESTON 129	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
267	11/6/16 Email from Steve to Lisa and Brian re: Complaint, abduction and lack of communication	EGGLESTON 129-132	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
268	11/10/16 Email from Steve to Stuart and Lisa re: Complaint and effort to resolve dispute	EGGLESTON 133-134	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14 and 16
269	11/13/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 136	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
270	11/20/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 137	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
271	11/22/16 Email from Steve to DFS – Civil rights violations and offer to settle	EGGLESTON 153-155, 158	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14 and 16
272	11/27/16 Email from Steve to Lisa re: communication with boys, removal of boys and failure to return boys	EGGLESTON 138	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14

273	12/4/16 Email from Steve to Lisa re: communication with boys	EGGLESTON 139	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
274	12/5/16 Email exchange between Steve and Tisa Evans	EGGLESTON 162-163, CC 5421-5422	May	1, 2, 3, 4, 6, 7, 8, 12, 13, 14 and 16
275	12/7-8/16 Email exchange between Steve and Tisa Evans	EGGLESTON 166-174	May	1, 2, 3, 4, 6, 8, 12, 13, 14 and 16
276	12/11/16 Email from Steve to Lisa re: communication with boys and Christmas presents	EGGLESTON 140	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
277	12/18/16 Email from Steve to Lisa re: communication with boys and receipt of Christmas presents	EGGLESTON 142	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
278	12/29/16 Email from Steve to Lisa re: Ryder's birthday and communication with him	EGGLESTON 143	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
279	Illinois Docket	CC 6934– CC 6948	May	1, 2, 4, 6, 7, 8, 12, 13, 14, 15 and 16
280	4/11/20 Photo of recording of Ryder and Hunter	EGGLESTON 1259	May	2, 3, 4, 6, 8, 13, 14 and 15
281	5/12/21 Child Support Order	EGGLESTON 1691	May	1, 2, 4, 6, 7, 8, 12, 13 and 14
282	12/19/22 Email exchange with Lisa and Steve re: visitation	EGGLESTON 1864-1865	May	1, 2, 3, 4, 6, 7, 8, 12, 13 and 14
283	12/31/22 Child Support Payment	EGGLESTON 1868-1869	May	1, 2, 4, 6, 7, 8, 12, 13 and 14

1	284	1/6/23 Court Order regarding parenting time with children	EGGLESTON 1871	May	1, 2, 4, 6, 7, 8, 12, 13 and 14
2					
3	285	1/4/22 NHS Somerset Stroke Services, Assessment of Cognitive Driving	EGGLESTON 1366-1370	May	1, 2, 4, 6, 8, 12 and 13
4					
5	286	Medical Records from Musgrove Park Hospital	EGGLESTON 1416-1578 CC 5512- CC 5846	May	1, 2, 4, 6, 8, 12 and 13
6					
7	287	Steve Eggleston's Grove House Surgery Records (Records Redacted by Grove House Surgery)	EGGLESTON 01579-001638 CC 5454- CC 5511	May	1, 2, 4, 6, 8 and 13
8					
9					
10	288	Grove House Surgery – Welch Allyn 24 Hour Ambulatory Blood Pressure Monitor	EGGLESTON 001826	May	1, 2, 4, 6, 8, 12 and 13
11					
12	289	Yeovill Hospital Records	EGGLESTON 1955-1963, CC1514-CC1690	May	1, 2, 4, 6, 8, 12 and 13
13					
14	290	Advance Dental Practice Records	CC 6361 – CC 6372	May	1, 2, 4, 6, 8, 12 and 13
15					
16	291	Prescription Medications	EGGLESTON 1984-1989, EGGLESTON 2738-2745	May	1, 2, 4, 6, 8, 12 and 13
17					
18	292	Subject Access Request – full medical record	EGGLESTON 2006-2063	May	1, 2, 4, 6, 8, 12 and 13
19					
20	293	Medical records Matthew Hayes Holgate	CC 6994- CC-7001	May	1, 2, 4, 6, 8, 12 and 13
21					
22	294	Amazon receipts for Steve Eggleston's gift purchase for H.E. and R.E.	EGGLESTON 1866, EGGLESTON 3588-3610	Will	1, 2, 4, 6, 8, 12 and 14
23					
24	295	2016 Eggleston Tax Return	EGGLESTON 503-511	Will	1, 2, 4, 6, 8, 12, 13 and 14
25					
26	296	2017 Eggleston Tax Return	EGGLESTON 512-552	Will	1, 2, 4, 6, 8, 12, 13 and 14
27					
28	297	2018 Eggleston Tax Return	EGGLESTON 553-583	Will	1, 2, 4, 6, 8, 12, 13 and 14
	298	Eggleston Financials	CC 5893- CC 6351	Will	1, 2, 4, 6, 8, 12, 13 and 14

1	299	McFarling invoices	EGGLESTON 1178-1200, CC 5169 - 5197	Will	2, 6, 12, 13 and 14
2	300	Junes Legal Service Invoices	EGGLESTON 1201-1202, 1374-1414	Will	2, 6, 12, 13 and 14
3	301	Mirabella, Kincaid, Frederick & Mirabella, LLC Detail Transaction File List	EGGLESTON 001827 001836	Will	2, 6, 12, 13 and 14
4	302	Affidavit of Anne Marie Abruscato	EGGLESTON 2735-2736	May	1, 2, 3, 6, 8, and 13
5	303	Mojave Agreement with County	CC 6353 – CC 6359	May	1, 2, 3, 6, 12 and 13
6					
7	304	DFS Policy – In-home services	CC 909-CC1025	May	2, 12, 13, and 14
8	305	DFS Policy – In-home service guidelines	CC 1076 - CC 1127	May	1, 12, 13, and 14
9	306	Organizational Chart	CC1128	May	2 and 3
10	307	Sunrise Hospital Records	EGGLESTON_3566-3571-3573, 2762-2768, 2785, 2789 - 2791, 2792- 2794, 2795-2797, 2798-2800, 2803-2805, 2808-2809, 2812-2813, 2853, 2855, 2920, 3025, 3242, 3244, 3253, 3264, 3278, 3326, 3338, 3352, 3366, 3380, 3408, 3421, 3434, 3447, 3461, 3472, 3482, 3487, 3494, 3516, 3526, 3536, 3549, 3556	May	
11	308	St. Rose Hospital Records	3835-3838, 3849 3868, 3940, 3947, 3960-3963, 3968-3969	May	

1	309	8/27/15 Substantiation appeal	CC059-CC067	May	1, 2, 12, 13 and 14
2	310	9/9/15 Request for Fair Hearing	CC 68A-CC70A	May	1, 2, 12, 13 and 14
3	311	CPS file	CC 410-CC 547	May	
4	312	Defendant Georgina Stuart's Responses to Plaintiff's Requests for Admissions	December 29, 2022	May	
5					
6	313	Defendant Georgina Stuart's First Supplemental Responses to Requests for Admissions	February 14, 2023	May	
7					
8	314	Defendant Clark County's Answers to Plaintiff's Interrogatories	February 7, 2022	May	
9					
10	315	Defendant Georgina Stuart's Responses to Plaintiff's First Set of Interrogatories	July 1, 2022	May	
11					
12	316	Defendant Clark County's Responses to Plaintiff's Second Set of Interrogatories	July 29, 2022	May	
13					
14	317	Defendant Georgina Stuart's Responses to Plaintiff's Second Set of Interrogatories	December 29, 2022	May	
15					
16	318	Defendant Georgina Stuart's First Supplemental Responses to Plaintiff's Second Set of Interrogatories	February 16, 2023	May	
17					
18	319	Defendant Clark County's Responses to Plaintiff's Third Set of Interrogatories	August 30, 2023	May	
19	320A	Steve and Ryder pointing	EGGLESTON 1994	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
20	320B	Picture of Steve, Laura and Ryder	EGGLESTON 1846	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
21	320C	Steve's daughter, Steve and Ryder	EGGLESTON 588	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
22	320D	Steve holding Hunter as a newborn with Ryder looking on	EGGLESTON 1996	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
23					
24	320E	Steve holding Hunter	EGGLESTON 1839	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
25	320F	Photo of Steve and Ryder	EGGLESTON 592	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
26	320G	Steve and the boys sitting in Egg	EGGLESTON 1853	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
27	320H	Picture of Steve and Hunter	EGGLESTON 1843	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
28					

1	320I	7/2013 Picture of Steve and Hunter on Hunter's 1st birthday	EGGLESTON 584	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
2	320J	Battisella/Eggleston family photo 11/12/12	EGGLESTON 1838	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
3	320K	St. Patty's Day photo of Hunter and Steve	EGGLESTON 1170	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
4	320L	Birthday party at McFarling home – talking to Ryder	EGGLESTON 2717	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
5	320M	Photo of Steve with boys and horse	EGGLESTON 590	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
6	320N	St. Patty's Day photo of Hunter and Ryder with Steve	EGGLESTON 1172	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
7	320O	Picture of 4 younger kids	EGGLESTON 1850	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
8	320P	Halloween picture of boys	EGGLESTON 1851	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
9	320Q	Birthday party at McFarling – watching children	EGGLESTON 2722	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
10	320R	Birthday party at McFarling home – Steve & Ryder on swing	EGGLESTON 2725	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
11	320S	Picture of Hunter- Daddy's my hero	EGGLESTON 1837	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
12	320T	Boys Swimming	EGGLESTON 1852	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
13	320U	Picture of Steve and boys dressed up	EGGLESTON 1855	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
14	320V	Picture of Steve and boys at baseball game	EGGLESTON 1858	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
15	320W	Steve wedding photo	EGGLESTON 3585	May	2, 3, 4, 5, 6, 8, 12, 13 & 16
16	320X	Picture of Steve with daughter and granddaughter	EGGLESTON 3581	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
17	320Y	England family photo	EGGLESTON 3587	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16
18	320Z	Steve and boys in Illinois	EGGLESTON 3578	Will	2, 3, 4, 5, 6, 8, 12, 13 & 16

Plaintiff may offer Demonstrative Exhibits at the time to trial to include but not be limited to blow ups, transparencies, and/or power point images of exhibits identified hereinabove.

Defendants further assert objections to exhibits as set forth in pre-trial Motions in Limine, to the extent the Court Orders regarding those motions have deferred rulings for the time of trial, and Defendants reserve the right to raise said objections at the time of trial.

1 Additionally, as to Defendants objections to all medical records proffered by Plaintiff as
 2 set forth in the Motions in Limine, on which ruling has been deferred for trial, if testimony is
 3 offered and admitted concerning the subject of said records, Defendants reserve the right to
 4 introduce the records for rebuttal, impeachment, and or foundation purposes.

5 **C. Defendants' Exhibits**

No.	Description	Bates Range	Will/May Use	Objections
501	CPS Referral Summary #1618945 dated April 7, 2014	CC 021A – 024A	Will	Cumulative Relevance
502	UNITY Case Notes Case: 1362581 and Affidavit	CC 001A - 020A and 123	Will	Cumulative
503	CPS Referral Summary # 1643346 dated December 22, 2014	CC 025A - 031A	Will	Cumulative
504	Present Danger Assessment Reports #1643346 dated 12/23/14	CC 1156 - 1158	Will	Cumulative
505	Present Danger Assessment Reports #1643346 dated 12/24/14	CC 1131A - 1133A	Will	Cumulative
506	Present Danger Plan (PDP) dated December 24, 2014	CC 032A	Will	Cumulative
507	CPS Referral Summary # 1643759 dated December 29, 2014	CC 033A - 038A	Will	Cumulative
508	Michelle Lefebvre and Georgina Stuart 12/29/14 Email and CPS Referral Summary #1643759	CC 1797 –1804	May	Cumulative
509	Referral to Boys Town dated December 29, 2014	CC 039 - 040 and 0476	Will	Cumulative
510	Steve Eggleston and Georgina Stuart 1/2/15 Email re Hunter in Hospital and rent check	CC 1806 –1807	Will	Cumulative
511	Steve Eggleston and Georgina Stuart 1/5/15 Emails re income, bank statements, etc.	CC 1808 –1825	Will	Cumulative
512	Georgina Stuart and Lisa McKay 1/5/15 Emails re income, bank statements, etc.	CC 1826 –1841	Will	Cumulative

1	513	Georgina Stuart and Lisa McKay 1/5/15 Emails re Laura Bank Statement	CC 1842 – CC 1844	Will	Cumulative
2	514	Lisa McKay and Georgina Stuart 1/5/15 Emails re Income for EA Release	CC 1845 –1856	Will	Cumulative
3	515	Email from Anne Marie Abruscato dated 1/5/15	CC 6438	Will	Cumulative
4	516	Referral to Southern Nevada Health District dated January 6, 2015	CC 052A	Will	Cumulative
5	517	Sharon Savage 1/6/15 Calendar Invite	CC 6534		Cumulative
6	518	Present Danger Assessment Report #1643346 dated 1/7/15	CC 1134A - 1136A	Will	Cumulative
7	519	Sunrise Hospital Records of Plaintiff	EGGLESTON_02755-2761, 2770, 2771, 2773, 2779-2780, 2782, 2860-2861, 3025, 3045-3046, 3048, 3054, 3061-3063, 3135, 3574-3576	Will	Rule of Completeness ² Relevance 2760 –relevance 2761 – cumulative 2770-2771 – relevance, hearsay within hearsay, more prejudicial than probative 2773 – (page 2 only) 3 pages , rule of completeness, relevance – hearsay 2779-2780 –not complete document, hearsay 2782 – not complete document, relevance, hearsay

² If these medical documents are admitted, Plaintiff will also move to admit the Sunrise documents identified in his exhibits.

				2860-2861 hearsay (doctor commentary) with no opportunity to cross exam – more prejudice than probative 3025- relevance 3045-3046 – cumulative – same as 2770- 2771 and same objections 3048 – rule of completeness cumulative, relevance 3054 –rule of completeness, cumulative 3061-3063 – relevance 3135 - hearsay (doctor commentary) with no opportunity to cross exam – more prejudicial than probative, cumulative, rule of completeness
520	St. Rose Hospital Records of Plaintiff	EGGLESTON_03617 - 3625, 3789-3794 and 3872-3874	Will	Relevance, Rule of Completeness ³
521	Nomination and Consent for Guardianship dated January 7, 2015	CC 1739 and 1753	Will	Cumulative
522	CPS Case File # 1643346	CC 410 - 547	May	Foundation, hearsay generally 517-518, 536- 538

³ If these medical documents are admitted, Plaintiff will also move to admit the St. Rose documents identified in his exhibits.

				(relevance)(time period and parties involved)(more prejudicial than probative) 527-533, 539-545 (relevance- time period)
523	Diligent Search Request dated 12/23/14	CC 1137A	May	Cumulative
524	DFS Birth and Death Certificate Application dated December 23, 2014	CC 1897	May	Foundation, not executed
525	Las Vegas Metropolitan Police Department Communications Report LLV 150107001988, with Audio dated January 7, 2015	CC 054A - 056A	Will	Cumulative
526	Plaintiff 2-9-15-email to Peg Kastberg re DFS Substantiation	EGGLESTON_0748 - 49	Will	This was objected to in Plaintiff's exhibits.
527	District Attorney-Department of Family Services' Screen Shot of 6/26/15 Log Entry Denying Lisa Callahan's Records Request	CC 2068	Will	Foundation, authentication, hearsay
528	Georgina Stuart NIA Training	CC 1159 - 1172	Will	Cumulative
529	Georgina Stuart Verizon Phone Records dated December 22, 2014 to January 30, 2015	CC 1785 - 1792	Will	Cumulative
530	Email from Plaintiff to McFarling re appointment dated January 8, 2015	CC 05218	Will	Cumulative
531	Email between Plaintiff & Emily McFarling re Steve/Children dated January 11, 2015	CC5225 - 5226	Will	Cumulative
532	Steve Eggleston Basic Info and Timeline	CC 5200-5204	Will	Relevancy, attorney-client privilege, foundation, hearsay

1	533	Amended Order Denying Petition for Judicial Review filed October 13, 2023 in Eggleston vs. Clark County Department of Family Services in Carson City, Nevada, Case No. 20 OC 00164 1B	CC 7532 - 7571	Will	Relevancy, hearsay, hearsay within hearsay, more prejudicial than probative
2	534	Las Vegas Metropolitan Police Department Communications Report LLV 140407-2024 dated April 7, 2014, and Photographs	CC 1264 - 1352	May	Relevancy, hearsay Includes the subpoena in the file multiple times as well as litigation documents that are irrelevant Photographs are supposed to marked as individual exhibits Objection to pictures of Hunter – more prejudicial than probative
3	535	McFarling Law Group Documents Re: Subpoena Duces Tecum Issued on February 22, 2023 for Case No. A-16-748919-C	CC 5200-5204, 5212- 5215, 5225-5226, 5272-5276, 5287, 5405-5418, 5426- 5427, 5428, 5429- 5430, 6552-6555, 6559-6560, 6577, 6686-6691, 6699, 6700, 6702, 6704, 6709-6710, 6746, 6883-6884, 6885, 06887, 6900, 6902-03	Will	CC 5200-5204, Relevancy, attorney-client privilege, foundation, hearsay cumulative 5225-5226 – Cumulative 5272-5276 – Relevance 5287 – Work product 5405-5418 – Hearsay, attorney-client 5426-5427 – Cumulative 5428 – Hearsay, Foundation

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				5429-5430 – Hearsay within Hearsay, Foundation, Cumulative 6552-6555 – Hearsay 6559-6560 – Hearsay – subject to Motion in Limine 6577 – Hearsay, relevance 6686-6691 – Cumulative 6699 – Hearsay within Hearsay 6700 Hearsay with Hearsay, work product, 6702, Hearsay with Hearsay, work product, relevance 6709-6710 – Hearsay, attorney-client, work product 6883-6884, Work product 6885 -6887 – Cumulative 6902-03 – relevance – subject to Motion in Limine
536	State of Illinois, County of Will, <u>In the Matter of the</u> <u>Estate of vs. R.E. In the Will</u> County Circuit Court, Joliet, Case No. 2015P 000231, Petition, and Steven B. Eggleston Objection to	CC 1780-1781, CC 710 - 712; and CC3860;		

	Guardianship and Hearing, dated 5/22/15, and Order			
537	United States Bankruptcy Court, Re: Case No: 15-11665-mkn Steven Eggleston Docket and Various Filings	CC 1433 - 1514		Subject to Motion in Limine
538	Plaintiff Steven Eggleston vs. Laura Battistella, Case No: D-15-508989-P, Child Support Orders	CC 6951-6993		Relevance, more prejudicial than probative, hearsay No objection CC6992-6993
539	Defendants' correspondence and Plaintiff's email dated 12/8/2022 re insufficient responses to 3 rd Interrogatories	Defendants' MSJ Exhibit No. QQ, MSJ0406-0409	Will	Relevance, attorney discussions related to discovery
540	In the Matter of the Petition by Steve Eggleston, Petitioner, Case No. D-15-508989-P, Case Summary and Docket	CC 6434 - 6437		Relevancy, more prejudicial than probative
541	Emily McFarling Handwritten and Typed Notes for 6/24/15 Prove Up Hearing	CC5165-5168	May	Relevance, hearsay, more prejudicial than probative
542	In Re: The Estate of Ryder Eggleston and Hunter, Circuit Court of the Twelfth Judicial Circuit Will County, Illinois, Case No: 15P 0231, Various Filings	CC 1781 - 1784		Relevance 1783-1784
543	State of Illinois, County of Will, In the Matter of the Estate of vs. R.E. In the Will County Circuit Court, Joliet, Case No. 2015P 000231, dated 5/22/15	CC 6934 - 6949		Foundation, personal knowledge, relevance, hearsay
544	Declaration of Lisa Callahan (Bate Nos. CC 6360) and Two Voicemails from Steve Eggleston Recorded on 12/6/2016.	CC 6360 with recordings	May	Hearsay, relevance, more prejudicial than probative
545	Plaintiff Steven Eggleston vs. Laura Battistella, Case No:	CC 6453 - 6533		CC6453-6457 Relevance,

	D-15-508989-P, Left Side Filed Under Seal obtained from the Eighth Judicial District Court, Family Division via Notice of Entry of Amended Order to Allow Access to Court filed 6/26/23 (#127 above) and Subject to the Terms of That Order			hearsay within hearsay, subject to MIL, more prejudicial than probative, Foundation CC6458 – relevance, foundation CC6460 – 6462 foundation, hearsay CC6463- 6466 not complete document, relevance, more prejudicial than probative 6467-6487 – Cumulative
546	Plaintiff Steve Eggleston Sestini & Co., LTD. Financial and Tax Records	CC 5893 - 6351		
547	Plaintiff's Responses to First Interrogatories		Will	
548	Plaintiff's Responses to Second Interrogatories		Will	
549	Plaintiff's Supplement to Responses to Second Interrogatories		Will	
550	Plaintiff's Responses to Third Interrogatories		Will	
551	Plaintiff's Responses to Fourth Interrogatories		Will	
552	Plaintiff's Responses to Fifth Interrogatories			
553	Plaintiff's Responses to Requests for Admission		Will	
554	Plaintiff's Responses to First Requests for Production		May	
555	Plaintiff's Responses to Second Requests for Production		May	
556	Plaintiff's Responses to Third Requests for Production		May	
557	Plaintiff's Responses to		May	

	Fourth Requests for Production			
558	Plaintiff's Responses to Fifth Requests for Production		May	
559	Plaintiff's Supplement to Responses to Fifth Requests for Production		May	
560	Plaintiff's Responses to Sixth Requests for Production		May	
561	Plaintiff's Responses to Seventh Requests for Production		May	
562	Plaintiff's Responses to Eighth Requests for Production		May	
563	Plaintiff's Responses to Ninth Requests for Production		May	
564	Plaintiff's Responses to Tenth Requests for Production		May	
565	Plaintiff's Responses to Eleventh Requests for Production		May	
566	Plaintiff's Supplemental Responses to Eleventh Requests for Production			
567	Dr. Jayme Nieman-Kimel, Ph.D's, CV, Fees, Testimony, and Report	CC-JNK-0001 - 0019	Will	Hearsay
568	Dr. Jad Al Danaf's CV, and Fees, and Report	CC-DJD-001 - 014	Will	Hearsay
569	Toby Lester's CV, Fees, and Reports	CC-TL-001 – 044	Will	Relevance, hearsay
570	Enrollment Registration Receipt	EGGLESTON 000787	Will	

Defendants may offer Demonstrative Exhibits at the time to trial to include but not be limited to blow ups, transparencies, and/or power point images of exhibits identified hereinabove.

Plaintiff reserves the right to Object to any of the above exhibits if the information in the exhibits is relevant to the Motions in Limine filed previously with the Court.

VI. AGREEMENTS AS TO LIMITATION OR EXCLUSION OF EVIDENCE

The Parties have agreed to the admission and/or exclusion of certain evidence pursuant to the

1 Stipulation filed herewith.

2 **VII. LIST OF WITNESSES**

3 **A. Plaintiff's Witnesses**

- 4 1. Steve Eggleston
5 c/o Paola M. Armeni, Esq.
6 c/o William D. Schuller, Esq.
7 Clark Hill PLLC
8 1700 S. Pavilion Center Drive, Suite 500
9 Las Vegas, NV 89135
- 10 2. Georgina Stuart
11 c/o Felicia Galati, Esq.
12 Stephanie Barker, Esq.
13 Stephanie Zina, Esq.
14 Ashley Olson, Esq.
15 Olson Cannon Gormley & Stoberski
16 9950 W. Cheyenne Ave.
17 Las Vegas, NV 89129
- 18 3. Mary Atteberry, Family Services Specialist Supervisor
19 Department of Family Services
20 c/o Felicia Galati, Esq.
21 Stephanie Barker, Esq.
22 Stephanie Zina, Esq.
23 Ashley Olson, Esq.
24 Olson Cannon Gormley & Stoberski
25 9950 W. Cheyenne Ave.
26 Las Vegas, NV 89129
- 27 4. Sharon Savage, Family Services Assistant Manager
28 Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129
5. Clint Holder, DFS South Office
Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

- 1 6. Lisa McKay, Family Services Manager
2 Department of Family Services
3 c/o Felicia Galati, Esq.
4 Stephanie Barker, Esq.
5 Stephanie Zina, Esq.
6 Ashley Olson, Esq.
7 Olson Cannon Gormley & Stoberski
8 9950 W. Cheyenne Ave.
9 Las Vegas, NV 89129
- 10 7. Anne-Marie Abruscato
11 c/o Mojave Mental Health
12 4000 E. Charleston Blvd., Suite B230
13 Las Vegas, NV 89104
- 14 8. Dana Amma Day
15 c/o Paola M. Armeni, Esq.
16 c/o William D. Schuller, Esq.
17 Clark Hill PLLC
18 1700 S. Pavilion Center Drive, Suite 500
19 Las Vegas, NV 89135
- 20 9. Emily McFarling, Esq.
21 McFarling Law Group
22 6230 W. Desert Inn Rd.
23 Las Vegas, NV 89146
- 24 10. Dan Smith
25 570 S. Evanston Ave. # 209
26 Independence, MO 64053
- 27 11. Leslie Bates
28 15256 Poppy Meadow St.
Canyon Country, CA 91387
12. Helga White
310 Bridgeview Dr.
Auburn, CA 95603
13. Cynthia Landeen
Minneapolis, MN
(651) 343-4747
(651) 213-6116
cjlandeen@gmail.com
14. Steve Thompson
15 Hillbrook Drive
West Brookfield, Massachusetts 01585
15. John Neyer
2820 Forge Rd, Toano, VA 23168
254-717-0683

///

///

16. Shea Arender
5307 Verdant Way
Houston, TX 77069
17. Rachel Sistini
Sestini & Co
Paulton, Bristol, BS39 7SX
England
18. Javonni Henderson. LMSW
18121 E. Hampden Ave., Ste. C # 1079
Aurora, CO 80013
19. John Paglini, Psy. D.
9163 West Flamingo, Suite 120
Las Vegas, NV 89147
20. Diane Kallay
5805 Count Fleet Street
Las Vegas, NV 89113
716-909-2646
21. Alexandra Kennelly
Adult Speech and Language Therapy
Bracken House, Crewkerne Road
Chard, Somerset, TA20 1YA
22. Rachael Lunnon
Community Cardiac Rehabilitation Nurse
Cardiac Rehabilitation, Priory House, Priority Health Park
Glastonbury Road, Wells, Somerset BA5 1XL
23. Matthew Hayes-Holgate
Health Psychologist
Clinical Neuropsychology and Health Psychology Service
Shepton Mallet Community Hospital, Old Wells Road,
Shepton Mallet, Somerset BA4 4PG
24. Cindy Prince BSc MRCOT
Clinical Specialist Occupational Therapist for Stroke and ABI Services South
Petherton Community Hospital
Bernard Way, South Petherton, TA13 5EF
25. Malgorzata Filc
Rehabilitation Assistant
ESD Stroke Services: East
Shepton Mallet Community Hospital, Bucklers Way,
Shepton Mallet BA4 4PG
26. Custodian of Records/Person Most Knowledgeable
Yeovil Hospital
General Medicine / Transient Ischaemic Attack Cardiac Rehabilitation
Yeovil District Hospital, Level 3
Higher Kingston, Yeovil BA21 4AT

- 1 27. Dr. P. Girling
General Practitioner
2 Grove House Surgery
West Shepton, Shepton Mallet BA4 5UH
- 3 28. Dr. O. Smara
Department of Cardiology
4 Musgrove Park Hospital
Taunton, Somerset TA1 5DA
- 5 29. Dr. Amanda J. Gorman
The Dentist, Advance Dental Practice
6 5 Cary Court, Somerton Business Park
7 Somerton, Somerset TA11 6SB
- 8 30. Custodian of Records/Person Most Knowledgeable
Musgrove Park Hospital
9 Taunton
Somerset TA1 5DA
- 10 31. Custodian of Records/Person Most Knowledgeable
Community Cardiac Rehab-West Somerset
11 Parkgate House, East Reach
12 Taunton, Somerset TA1 3ES
- 13 32. Custodian of Records/Person Most Knowledgeable
South Petherton Community Hospital
14 Bernard Way, South Petherton
Somerset TA13 5EF
- 15 33. Tisa Evans, Med., Ombudsman for DFS
Department of Family Services
16 c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
17 Stephanie Zina, Esq.
Ashley Olson, Esq.
18 Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
19 Las Vegas, NV 89129
- 20 34. Officer Charles Yannis, P# 6024
Las Vegas Metropolitan Police Department
21 400 S. Martin Luther King Blvd.
22 Las Vegas, NV 89106
- 23 35. R.E.
300 Ashley Drive
24 New Lenox, IL 60451
- 25 36. H.E.
300 Ashley Drive
26 New Lenox, IL 60451

27 ///

28 ///

- 1 37. The Honorable Mari D. Parlade
2 Eighth Judicial District Court, Family Division
3 Department A
4 601 N. Pecos Rd.
5 Las Vegas, NV 89101
6 Former Appeals Unit Manager, CC Dept. of Fam Services
- 7 38. Bonnie Wojdyla
8 Address Unknown
9 Ozarks
10 702-575-9999
- 11 39. Ken Battistella, Sr.
12 Address Unknown
13 Ozarks
14 702-400-2515
- 15 40. Jay Warsinke
16 Burbank, CA
- 17 41. Bobby Ferreri
18 2495 Village View Drive
19 Henderson, NV 89074
- 20 42. Duncan Faurer
21 Address Unknown
- 22 43. Sheri Hensel, Senior Family Services Specialist
23 Department of Family Services
24 c/o Felicia Galati, Esq.
25 Stephanie Barker, Esq.
26 Stephanie Zina, Esq.
27 Ashley Olson, Esq.
28 Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129
44. Custodian of Records/Person Most Knowledgeable
Orland Hills Police Department
16039 S. 94th Ave
Orland Hills, IL 60487
45. Lisa Gibson, Family Services Supervisor
Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

///

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1 46. Emily Smith, Esq., Social Enterprise Attorney
2 Civil Legal Corps
3 310 S. Peoria Street
4 Chicago, IL 60607

5 47. Custodian of Records/Person Most Knowledgeable
6 Mirabella, Kincaid, Frederick & Mirabella, LLC
7 1737 S Naperville Rd Suite 100
8 Wheaton, Illinois 60189

9 48. Jennifer M. Lynch, Guardian Ad Litem
10 June, Prodehl, Renzi & Lynch, LLC
11 1861 Black Road
12 Jolie, IL 60435

13 49. Sherese Shabazz, Esq.
14 2441 Vermont St. Unit 186
15 Blue Island, IL 60406

16 50. Custodian of Records/Person Most Knowledgeable
17 Grove House Surgery
18 West Shepton
19 Shepton Mallet
20 Somerset BA4 5UH

21 51. Custodian of Records/Person Most Knowledgeable
22 Musgrove Park Hospital
23 Taunton
24 Somerset TA1 5DA

25 52. Custodian of Records/Person Most Knowledgeable
26 Sestini and CO. Ltd
27 Paulton House, Old Mills
28 Paulton, Bristol, BS39 7SX

53. Custodian of Records/Person Most Knowledgeable
Advance Dental Practice
Dr. Amanda J. Gorman
Cary Court, Somerton Business Park, Somerton
Somerset, TA11 6SB

Plaintiff reserves the right to call any witness listed by the Defendants.

B. Defendants' Objections to Plaintiff's Witnesses

Defendants object to any witness improperly disclosed as required by NRCP 16.1 and NRCP
26 in all of their subparts, and/or who is the subject of a pre-trial motion requesting exclusion.
Further,

Defendants object to Plaintiff's witnesses listed as numbers 11 through 16, 20, and 38
through 42, for Plaintiff's failure to comply with NRCP 16.1(a)(3)(A)(i)-(B)(i) requiring disclosure

1 of “the name and, if not previously provided, the address and telephone number of each witness,”
2 “at least thirty days before trial.” These witnesses were disclosed by Plaintiff without contact
3 information in the December 4, 2023 Pretrial Disclosures, or the December 5, 2023 supplement
4 thereto, and without, during the course of discovery, identification of the specific subject matter of
5 their testimony.

6 Defendants additionally object to Plaintiff’s witnesses listed as numbers 11 through 16, 20,
7 and 38 through 42, as to relevance and unnecessarily cumulative.

8 Defendants object to Plaintiff’s witnesses listed as numbers 21 through 32, as set forth in
9 Defendants’ Motion in Limine for failure to comply with expert disclosure requirements, and
10 testifying treating physician disclosure requirements of NRCP 16.1(a)(2)(B), and/or 16.1(a)(2)(C)
11 and (D). Defendants reserve the right to call these witnesses in rebuttal or impeachment to the extent
12 testimony or documentation may be allowed as to the subject matter of their records or conduct.

13 Defendants object to Plaintiff’s witness John Paglini, Ph.D., to the extent he offers testimony
14 beyond rebuttal of Defendants’ neuropsychological expert Dr. Jayme Neiman-Kimel, Ph.D. ABPdN,
15 and to the extent he offers opinions or testimony beyond his field of expertise, as set forth in
16 Defendants’ Motion in Limine, to the extent ruling has been deferred by the Court until the time of
17 trial.

18 Defendants object to Plaintiff’s purported child welfare expert witness Javonni Henderson,
19 for failure of expertise on the topics offered, as set forth in Defendants’ Motion in Limine, to the
20 extent ruling has been deferred by the Court until the time of trial.

21 **C. Defendants’ Witnesses**

22 **Defendants reserve the right to call any witnesses designated by Plaintiff.**

- 23 1. Steve Eggleston
24 c/o Paola M. Armeni, Esq.
25 c/o William D. Schuller, Esq.
26 Clark Hill PLLC
1700 S. Pavilion Center Drive, Suite 500
Las Vegas, NV 89135

27 ///

28 ///

2. Alexis Rodriguez
3144 N. California Ave. Apt. 3
Chicago, Illinois 60618
3. Lisa Callahan
300 Ashley Drive
New Lenox, IL 60451
4. Officer Charles Yannis, P# 6024
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106
5. Chief of Police Tom Sulley
Orland Hills Police Department
16039 S. 94th Ave.
Orland Hills, IL 60487
6. Georgina Stuart
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129
7. Lisa Gibson
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
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9950 W. Cheyenne Ave.
Las Vegas, NV 89129
8. Lisa McKay
Family Services Manager
Department of Family Services
c/o Jonathan Blum, Esq.
WILEY PETERSON
1050 Indigo Dr., Suite 200B
Las Vegas, NV 89145
9. Custodian of Records / Person Most Knowledgeable
Clark County of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

///

10. Custodian of Records / Person Most Knowledgeable
Clark County Human Resources Division
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129
11. Custodian of Records / Person Most Knowledgeable
Clark County Information Technology Division
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129
12. Custodian of Records/Person Most Knowledgeable
Clark County Finance Division
% Felicia Galati, Esq.
Olson Cannon Gormley & Stoberski
9950 West Cheyenne Avenue
Las Vegas, NV 89129
13. Custodian of Records / Person Most Knowledgeable
Boys Town Nevada
821 North Mojave Road
Las Vegas, NV 89101
14. Custodian of Records / Person Most Knowledgeable
Mojave Mental Health
4000 East Charleston Blvd., B230
Las Vegas, NV 89104
15. Custodian of Records / Person Most Knowledgeable
Montevista Hospital
5900 West Rochelle Avenue
Las Vegas, NV 89103
16. Custodian of Records / Person Most Knowledgeable
St. Rose Dominican Hospital – Siena Campus
3001 St. Rose Pkwy.
Henderson, NV 89052
17. Custodian of Records / Person Most Knowledgeable
Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

///

1 18. Custodian of Records / Person Most Knowledgeable
2 Orland Hills Police Department
3 16039 94th Avenue
4 Orland Hills, IL 60487

5 19. Sharon Savage, Family Services Assistant Manager
6 Department of Family Services
7 c/o Felicia Galati, Esq.
8 Stephanie Barker, Esq.
9 Stephanie Zina, Esq.
10 Ashley Olson, Esq.
11 Olson Cannon Gormley & Stoberski
12 9950 W. Cheyenne Ave.
13 Las Vegas, NV 89129

14 20. Mary Atteberry, Family Services Specialist
15 Department of Family Services
16 c/o Felicia Galati, Esq.
17 Stephanie Barker, Esq.
18 Stephanie Zina, Esq.
19 Ashley Olson, Esq.
20 Olson Cannon Gormley & Stoberski
21 9950 W. Cheyenne Ave.
22 Las Vegas, NV 89129

23 21. Mary Terzian, Senior Family Services Specialist
24 Department of Family Services
25 c/o Felicia Galati, Esq.
26 Stephanie Barker, Esq.
27 Stephanie Zina, Esq.
28 Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
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Las Vegas, NV 89129

29 22. Devon Butts, Family Services Specialist
30 Department of Family Services
31 c/o Felicia Galati, Esq.
32 Stephanie Barker, Esq.
33 Stephanie Zinna, Esq.
34 Ashley Olson, Esq.
35 Olson Cannon Gormley & Stoberski
36 9950 W. Cheyenne Ave.
37 Las Vegas, NV 89129

38 23. Lorelei Dunston, Office Specialist
39 Department of Family Services
40 c/o Felicia Galati, Esq.
41 Stephanie Barker, Esq.
42 Stephanie Zina, Esq.
43 Ashley Olson, Esq.
44 Olson Cannon Gormley & Stoberski
45 9950 W. Cheyenne Ave.
46 Las Vegas, NV 89129

- 1 24. Custodian of Records / Person Most Knowledgeable
2 Nevada Division of Child and Family Service and Beverly Brown
3 Carson City, NV
- 4 25. Anne-Marie Abruscato
5 c/o Mojave Mental Health
6 4000 E. Charleston Blvd., Suite B230
7 Las Vegas, NV 89104
- 8 26. Custodian of Records/Person Most Knowledgeable
9 District Attorney – Clark County Department of Family Services Records
10 Sommer Kariange – Legal Services Supervisor
11 c/o Scott R. Davis, Esq.
12 DISTRICT ATTORNEY – CIVIL
13 500 South Grand Central Parkway #5075
14 Las Vegas, NV 89155
- 15 27. Custodian of Records/Person Most Knowledgeable
16 McFarling Law Group
17 Emily McFarling, Esq.
18 6230 W. Desert Inn Rd.
19 Las Vegas, NV 89146
- 20 28. Clint Holder
21 ACTION
22 c/o Felicia Galati, Esq.
23 Stephanie Barker, Esq.
24 Stephanie Zina, Esq.
25 Ashley Olson, Esq.
26 Olson Cannon Gormley & Stoberski
27 9950 W. Cheyenne Ave.
28 Las Vegas, NV 89129
29. Jazmin Laker-Ojok
30 Department of Family Services
31 c/o Felicia Galati, Esq.
32 Stephanie Barker, Esq.
33 Stephanie Zina, Esq.
34 Ashley Olson, Esq.
35 Olson Cannon Gormley & Stoberski
36 9950 W. Cheyenne Ave.
37 Las Vegas, NV 89129
- 38 30. Arsineh Mardian – Senior Business Systems Analyst
39 Clark County Information Technology
40 c/o Felicia Galati, Esq.
41 Stephanie Barker, Esq.
42 Stephanie Zina, Esq.
43 Ashley Olson, Esq.
44 Olson Cannon Gormley & Stoberski
45 9950 W. Cheyenne Ave.
46 Las Vegas, NV 89129

47 ///

- 1 31. Kyle Chadderdon, f/k/a Kyle Katsburg
2 13742 W 59th Ave.
3 Arvada CO 80004
- 4 32. Custodian of Records/Person Most Knowledgeable
5 T-Mobile
6 c/o T-Mobile Subpoena Compliance
7 4 Sylvan Way
8 Parsippany, NJ 07054
- 9 33. Custodian of Records/Person Most Knowledgeable
10 AT&T Wireless
11 c/o AT&T Wireless Subpoena Compliance Center
12 11760 US Highway, 1, Suite 600
13 North Palm Beach FL 22408
- 14 34. Custodian of Records/Person Most Knowledgeable
15 Eighth Judicial District Court, Family Division
16 Clark County, Nevada
17 601 N Pecos Rd.
18 Las Vegas, NV 89101
- 19 35. Custodian of Records/Person Most Knowledgeable
20 Clark County District Attorney's Office
21 Juvenile & DA-DFS Records
22 601 N Pecos Rd.
23 North Building, Room 470
24 Las Vegas, NV 89101
- 25 36. Marianne Lanuti, Esq.
26 194 Inveraray Ct.
27 Henderson, NV 89074
- 28 37. Custodian of Records/Person Most Knowledgeable
First Judicial District Court
885 East Musser Street #3061
Carson City, Nevada 89701
38. Custodian of Records/Person Most Knowledgeable
12th Judicial District Court
Will County Courthouse
100 West Jefferson Street
Joliet, IL 60432
39. Custodian of Records/Person Most Knowledgeable
State of Nevada Department of Health & Human Services
Division of Child & Family Services
4126 Technology Way, 3rd Floor
Carson City, NV 89706
40. Jill Marano – Director of Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.

Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

41. Elizabeth Cabrera – Senior Family Services Specialist
Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

42. Vickie Hammond – Family Services Specialist
Department of Family Services
c/o Felicia Galati, Esq.
Stephanie Barker, Esq.
Stephanie Zina, Esq.
Ashley Olson, Esq.
Olson Cannon Gormley & Stoberski
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

43. Custodian of Records/Person Most Knowledgeable
Bruce Cole – Administrative Assistant III
Nevada Division of Child & Family Services
Las Vegas, NV

44. Toby Lester, MSW
ACTION for Child Protection
8920 Lawyers Road, PO Box 691210
Charlotte, NC 28227

45. Dr. Jayme Nieman-Kimel, Ph.d.
1033 Gayley Avenue, Suite 208
Los Angeles, CA 90024

46. Dr. Jad Al Danaf
Renown Health
1000 Ryland St.
Reno, NV 89502

D. Plaintiff's Objections to Defendants' Witnesses

Plaintiff objects to any witness improperly disclosed as required by NRCP 16.1 and NRCP 26 in all of their subparts, and/or who is the subject of a pre-trial motion requesting exclusion.

VIII. BRIEF STATEMENT OF CONTESTED PRINCIPAL ISSUES OF LAW

Defendants' Motion for Summary Judgment remains pending the Court's ruling. Accordingly, the parties will submit trial briefs on contested issues of law prior to trial.

1 **IX. ESTIMATED TIME REQUIRED FOR TRIAL**

2 The Parties estimate the time required for trial at 7-10 days, for a total of 49 to 70 hours of
3 trial time.

4 **X. MISCELLANEOUS MATTERS**

5 As the Court's ruling on Defendants' Motion for Summary Judgment remains pending as
6 of the date this Pretrial Memorandum is due, the parties reserve the right to amend this
7 Memorandum as may be appropriate following the Court's ruling in that regard.

8 DATED this 12th day of January 2024.

9 **CLARK HILL PLLC**

OLSON CANNON GORMLEY & STOBERSKI

10
11 /s/ Paola M. Armeni, Esq.

/s/ Stephanie A. Barker, Esq.

12 PAOLA M. ARMENI, ESQ.

FELICIA GALATI, ESQ.

13 Nevada Bar No. 8537

Nevada Bar No. 7341

14 WILLIAM D. SCHULLER, ESQ.

STEPHANIE A. BARKER, ESQ.

15 Nevada Bar No. 11271

Nevada Bar No. 3176

16 1700 S. Pavilion Center Drive, Suite 500

9950 West Cheyenne Avenue

17 Las Vegas, Nevada 89135

Las Vegas, Nevada 89129

18
19 Attorneys for Plaintiff,
20 STEVE EGGLESTON

Attorneys for Defendants,
CLARK COUNTY and
GEORGINA STUART

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Clark Hill, and that on the 12th day of January 2024, I caused to be served a true and correct copy of the foregoing **JOINT PRE-TRIAL MEMORANDUM** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court’s facilities to those parties listed on the Court’s Master Service List.

/s/ Clarissa Reyes
An Employee of CLARK HILL PLLC

EXHIBIT “B”

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

IN RE THE ESTATE OF)
)
R [REDACTED] EGGLESTON and)
H [REDACTED] EGGLESTON,)

NO. 15 P 231

Minors.)

FILED
15 JUL 10 AM 10:57
JUVENILE CENTER
CIRCUIT CLERK
WILL COUNTY, ILLINOIS

ORDER

This matter coming before this court on the Emergency Oral Motion of the Guardian ad Litem, the court waiving notice herein, the court having reviewed the Order of Custody and minutes entered in Case no. D508989 in the Eighth Judicial District Court, Clark County, Nevada, and being advised by the guardian ad litem, Jennifer M. Lynch, that a dispute now exists between the guardian, Lisa Callahan, and the minors' natural father, Steven Eggleston, as to the immediate implications of such Order and minutes and the Orders entered in this court, the court having conducted a judicial conference as required under 750 ILCS 36/204(d), this court finding that there is no objection to this court's exclusive and continuing sole jurisdiction over the minor children from presiding Judge Potter in Case no. D508989 in the Eighth Judicial District Court, Clark County, Nevada, this court finds as follows:

- A. This court has sole and exclusive jurisdiction over the minor children, R [REDACTED] Eggleston (date of birth [REDACTED]) and H [REDACTED] Eggleston (date of birth [REDACTED]) under the 750 ILCS 36/202-204, the Uniform Child-Custody Jurisdiction and Enforcement Act;
- B. No other court has the authority to enter any Order affecting the physical custody of the minor children herein;
- C. That the continuing jurisdiction of this court is necessary to protect the minor children from mistreatment and threats of mistreatment and abuse;

This Court further Orders as follows:

1. The minor children herein shall not be removed from this court's jurisdiction without specific Order of this court;
2. The minor children shall remain in the sole physical custody of the guardian herein, Lisa Callahan;
3. The guardian ad litem shall receive five (5) certified copies of this order and shall provide the best notice of entry of this Order to the parties herein;
4. Status date of July 13, 2015 at 9:00a.m. shall stand.

ENTER: 7/10/15

JUDGE

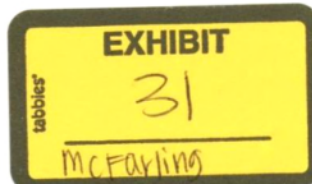
Jennifer M. Lynch
JUNE, PRODEHL, RENZI & LYNCH L.L.C.
1861 Black Road
Joliet, Illinois 60435
(815) 725-8000
Atty. No. 06275404

CERTIFICATION

I, PAMELA J. MCGUIRE, CLERK OF
THE 12TH JUDICIAL CIRCUIT, WILL
COUNTY, ILLINOIS, CERTIFY THIS
TO BE A TRUE COPY OF AN
ORIGINAL RECORD OF THIS CIRCUIT
COURT.

SIGNED: [Signature]

DATE: 7-10-15



CC003860

EXHIBIT “C”

1 STEVEN B. WOLFSON
2 District Attorney
3 State Bar No. 001565
4 By: **AMITY C. LATHAM**
5 Chief Deputy District Attorney
6 State Bar No. 009316
7 Amity.Latham@ClarkCountyDA.com
8 By: **FELICIA QUINLAN**
9 Chief Deputy District Attorney
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15 (702) 455-5320
16 (702) 384-4859 fax
17 Attorneys for Clark County
18 Department of Family Services

REC'D & FILED
2023 OCT 13 PM 4:16

WILLIAM SCOTT

BY 

11 DISTRICT COURT
12 CARSON CITY, NEVADA

13 Steven Eggleston,

14 Petitioner,

15 vs.

16 Clark County Department of Family
17 Services,

18 Respondent.

Case No: 20 OC 00164 1B

Dept.: II

21
22 **AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW**

23 The matter, having come before the Court on a Petition for Judicial Review,
24 and the Court, having considered the relevant briefing and legal authorities, and
25 good cause appearing, this Court finds as follows:
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2 **STATEMENT OF THE CASE**

3 This is a petition for review of a final administrative decision of hearing
4 officer Michelle Tobler rendered on October 15, 2020, upholding a substantiation
5 by the Clark County Department of Family Services. Steven Eggleston
6 (hereinafter Petitioner) was substantiated on a finding of Physical Injury (Abuse)
7 Physical Risk pursuant to NRS 432B and NAC 432B.
8

9 On December 22, 2014, the Department of Family Services (hereinafter
10 DFS) received a report at the child abuse and neglect hotline alleging negligent
11 treatment. Georgina Stuart investigated the allegations. On January 5, 2015, an
12 allegation was substantiated against Petitioner. On February 2, 2015, a
13 substantiation letter was sent to Petitioner. On February 12, 2015, Petitioner
14 requested an agency appeal, naming Emily McFarling as his legal counsel. On
15 August 27, 2015, DFS issued a Finding of Substantiation upholding the
16 substantiated finding. On September 9, 2015, Petitioner requested an
17 administrative hearing. Again, at the time, he indicated his attorney was Emily
18 McFarling.
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23 On October 6, 2015, Gregor Mills office contacted DFS and indicated he
24 may represent Petitioner in the substantiation matter. It wasn't until December 30,
25 2015, that Mr. Mills office indicated they were not paid and therefore were not
26 retained by Petitioner. On December 26, 2016, Petitioner filed a lawsuit against
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1 DFS.

2 On March 3, 2017, a letter was mailed to Petitioner giving him two dates for
3 an administrative hearing. Petitioner chose August 1, 2017. Due to hearing officer
4 unavailability, the hearing had to be rescheduled. Petitioner was given a multitude
5 of dates to choose from. On June 1, 2017, Petitioner chose September 6, 2017, as
6 his administrative hearing date.
7

8 On August 2, 2017, Petitioner requested to cancel his hearing of September
9 6, 2017, despite choosing this date himself. The hearing was rescheduled to
10 October 24, 2017. On October 4, 2017, Petitioner emailed DFS citing a multitude
11 of excuses regarding why he could not have the hearing that date, to include his
12 Visa.
13

14 The hearing was vacated due to his immigration issues, but he was asked to
15 provide proof of said immigration issues and when they might resolve so a firm
16 date could be set. Petitioner never responded to the request for proof of
17 immigration issues nor of a date for an administrative hearing. Having heard
18 nothing for nine months, DFS reset the hearing for September 11, 2018. Petitioner
19 made excuses as to why he could not appear on that date, notably that he would be
20 in Washington DC. It appears his immigration issues cleared up between October
21 4, 2017, and July 20, 2018, when he sent the email, but he didn't notify DFS of his
22 immigration issues being cleared up so that the hearing could go forward.
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1 On July 31, 2018, and August 17, 2018, DFS asked Petitioner for dates he
2 could be present for his administrative hearing. Those requests were ignored. On
3 January 31, 2020, DFS requested Petitioner choose between two dates for his
4 administrative hearing. On February 10, 2020, he chose June 23, 2020, for his
5 administrative hearing.
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8 In anticipation of the October 24, 2017, hearing date, the administrative
9 hearing packet was mailed to Petitioner by registered mail, article #RB 571 946
10 793 US, on September 14, 2017. Additionally, it was emailed to Petitioner on May
11 27, 2020.
12

13 On April 18, 2020, Petitioner made an Application for a More Definite
14 Statement. On May 5, 2020, DFS presented both Petitioner and the hearing officer
15 with a Response to Application for More Definite Statement. The response was in
16 compliance with NRS 233B.
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19 With the administrative hearing date set as June 23, 2020, Petitioner began a
20 barrage of emails and/or documents. On May 22, 2020, he emailed a “motion to
21 strike and/or motion to dismiss; alternatively, application for more definitive
22 statement¹, request for clarification of due process standards (including burden of
23 proof), request to order witnesses present at hearing (or for issuance of subpoenas
24 (sic)), **request to present testimony by phone**, demand that proceedings be
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28 ¹ Despite having previously received the same.

1 reported, demand for production of evidence of collusion and conflict; motion in
2 limine; motion for disqualification of hearing officer.” Within it he accused the
3 hearing officer of financial benefit, bias, and prejudice, all without any proof. On
4 June 5, 2020, Petitioner sent an email to DFS stating he was buying a plane ticket,
5 but put the DA’s Office, the Fair Hearing Office and all involved that he intends to
6 hold everyone fully accountable for any suffering or injuries he sustains in
7 traveling to Las Vegas in these dangerous times.² On June 8, 2020, DFS opposed
8 the motion.
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12 On June 10, 2020, Petitioner emailed a notice of witness and/or expert
13 witnesses **demand to present witnesses remotely and/or by phone** request for
14 judicial notice of court filings. Further, on June 10, 2020, Petitioner emailed
15 indicating he had 750+ pages of exhibits he was federal expressing to the hearing
16 officer and the DA. That was 13 days before his administrative hearing was set to
17 begin. On June 12, 2020, Petitioner emailed a motion to DFS which was to
18 disqualify the hearing officer. This was based on him finding a federal lawsuit
19 involving a pro per father (not Petitioner) who sued 24 defendants in federal court,
20 one of which was the hearing officer because her law firm had represented his ex-
21 wife in a family matter. Petitioner admitted to googling and finding this. The
22 lawsuit was filed in 2012 and was dismissed against all defendants in 2019.
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² In addition to that threat, within the previously mentioned motion, he states that DFS was forcing him to “travel at the age of 64 with respiratory issues through the toxic clouds of the COVID-19 pandemic.”

1 However, the hearing officer was swiftly dismissed from the lawsuit in 2012.

2 Further, it had absolutely nothing to do with the administrative hearing. Within the
3 motion, he threatened to sue all parties involved in the administrative hearing, thus
4 beginning a campaign to threaten and terrorize anyone involved with the hearing.
5 DFS filed an opposition. On June 13, 2020, he emailed supplemental exhibits. He
6 also added more witnesses he wanted to call remotely or by telephone.
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9 Despite never conceding there was any basis for her to be disqualified, the
10 original hearing officer recused herself. Having received what he perceived to be a
11 win, Petitioner next filed a motion to disqualify a manager of DFS and the District
12 Attorney's Office on June 18, 2020, five days before the hearing was set to begin.
13 Within said motion, Petitioner takes the hearing officer recusing herself to mean
14 that DFS and the DA knew of the conflict (despite the hearing officer specifically
15 saying there wasn't one) and actively conspired against him, all without any proof.
16 Within this document, he also includes a list of individuals and entities he
17 threatens, once again, to sue, to include everyone involved in the administrative
18 hearing. DFS opposed the motion. Additionally, on June 20, 2020, Petitioner
19 emailed an objection to notice of administrative hearing, threat to make entry in the
20 central registry without further notice unauthorized (sic) participation of district
21 attorney's office in judicial adjudication and further demand for fair trial. Within
22 which he states, "Eggleston has researched Ms. Tobler online, and she seems like a
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1 nice person; reminds him of my mother's sister ☺." On June 23, 2020, Petitioner
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3 further emailed a demand for litigation hold and production of records to hearing
4 officer.

5 On June 26, 2020, Petitioner emailed a reply to the opposition to motion to
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7 disqualify DFS/DA's Office, along with a proposed federal complaint he
8 threatened to file, inexplicably, in Illinois, naming again, everyone involved in the
9 administrative hearing, this time to include the new hearing officer that had been
10 assigned. Remarkably, the new hearing officer, despite being "named in a lawsuit"
11 in Illinois by Petitioner, was not bullied into recusing herself. On July 1, 2020, she
12 issued decisions on the motions to disqualify DFS and the DA's office, as well as
13 to strike and/or motion to dismiss; alternatively, application for more definitive
14 statement, request for clarification of due process standards (including burden of
15 proof), request to order witnesses present at hearing (or for issuance of subpoenas
16 (sic)), request to present testimony by phone, demand that proceedings be reported,
17 demand for production of evidence of collusion and conflict; motion in limine;
18 motion for disqualification of hearing officer.

19 On June 29, 2020, Petitioner again emailed a third updated exhibit list. On
20
21 September 5, 2020, he again emailed a third updated notice of witness/documents
22 and/or expert witnesses **demand to present witnesses remotely and/or by phone**
23 request for judicial notice of court filings. On September 14, 2020, one day before
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1 the administrative hearing was to begin, Petitioner once again emailed an Illinois
2 complaint, threatening to sue everyone involved in the administrative hearing. He
3 further emailed a motion for continuance and objection to short notice of hearing,
4 hearing by Webex to which eggleston has not consented, concealed entry in the
5 capta central registry making hearing moot unauthorized participation of conflicted
6 hearing officer and district attorney's office. He further filed a motion to
7 disqualify the new hearing officer, and the manager of DFS, and the District
8 Attorney's Office, again, despite both of those requests being ruled on.
9 Remarkably, the second threat and complaint from Illinois also did not deter the
10 second hearing officer, and she issued decisions, denying these motions.
11

12 On August 11, 2020, an email was sent to Petitioner, and attached were a
13 letter setting the hearing for September 15, 2020, and Administrative Hearing
14 Guidelines as the hearing was conducted via WebEx, a platform that allowed for
15 virtual hearings during the global pandemic. (CC0615-0617). Counsel for DFS
16 informed the Hearing Officer Petitioner was notified of the September 15, 2020,
17 hearing on August 11, 2020. (CC0117). The petitioner does not deny this notice.
18 CC0396 to CC0403 contain Petitioner's 10-page motion to continue, which he
19 emailed the day before on September 14, 2020. This both indicates he is aware of
20 the September 15, 2020, date, and objects to it, though his motion to continue was
21 denied by the hearing officer at the outset of the administrative hearing. "I don't
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1 believe that there is any reason to continue the hearing. Mr. Eggleston had
2 sufficient notice of the hearing, over a month since the hearing was reset, to make
3 sufficient accommodations to be at a location where he could conduct the hearing
4 via WebEx, and he's made arguments that he can't come here. And also, that the
5 hearings shouldn't proceed by WebEx. So, I believe that the hearings should go
6 forward by WebEx and I don't believe that there is any reason to have another
7 continuance since this case has been going on for several years now. (CC 0116).
8 And also later in writing, wherein she states, "I found that the August 11, 2020,
9 notice of the fair hearing scheduled for September 15, 2020 is sufficient notice."
10 (CC 0443). Further stating, "In Mr. Eggleston's June 20, 2020, objection to the
11 fair hearing being rescheduled from June 23, 2020, to June 30, 2020, he stated that
12 he was ready to proceed with the fair hearing on June 23, 2020, which was being
13 held via WebEx. Between receiving the August 11, 2020, notice of hearing and
14 just prior to the hearing, Mr. Eggleston was sending emails regarding having his
15 Exhibits bates-stamped prior to the scheduled hearing." (CC0444).

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22 On September 14, 2020, Petitioner emailed a motion to disqualify, wherein
23 he states he is attempting to enjoin and declare unconstitutional the Nevada
24 CAPTA Registry hearing scheduled for September 15, 2020..." (CC 0408). On
25 the same date, he emails a demand for a jury trial wherein he references the
26 hearing date four times. (CC 0418, 0423, 0424, 0425). On September 1, 2020,
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1 Petitioner sends an email to DFS, which stated “you have schedule a third hearing
2 date this summer for 9/15/20...”(CC0685-CC0689).
3

4 On September 15, 2020, an administrative hearing was presided over by
5 hearing officer Michelle Tobler, who is not employed by DFS and is an
6 independent attorney contracted with the county to hear administrative hearings.
7 Petitioner states, in his Opening Brief, page 4 of 14, lines 11-13 “Just four days
8 later, on September 15, 2015, Tobler held a hearing in this matter via WebEx video
9 conference...Mr. Eggleston was thus unable to call any of his witnesses.”
10 Petitioner did request an administrative hearing on September 9, 2015. However,
11 his administrative hearing was held, not four days later, but five years and four
12 days later, on September 15, 2020. Petitioner stated he submitted a witness list of
13 over 30 individuals.³ However, after five years, his witness list was 98 individuals.
14 And the reason he couldn’t present any witnesses is he chose not to participate in
15 the administrative hearing. On October 15, 2020, hearing officer Tobler issued her
16 written decision. The substantiation was upheld.
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22 **STATEMENT OF FACTS**

23 On September 15, 2020, a hearing was held in which the Clark County
24 Department of Family Services called investigators Sheri Hensel and Georgina
25 Stewart as witnesses, and in which Petitioner refused to participate. The beginning
26 of the hearing was argument on the emails Petitioner had sent on September 14,
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28 ³ Petitioner’s Opening Brief, page 4 of 14, line 10.

1 2020, "motion for continuance and objection to short notice of hearing, hearing by
2 Webex to which eggleston has not consented, concealed entry in the capta central
3 registry making hearing moot unauthorized participation of conflicted hearing
4 officer and district attorney's office. In defending his "motions", Petitioner stated
5 "we're in the process of filing and everybody will be served with a complaint for
6 civil rights violations and racketeering. All-both of you are defendants in that
7 lawsuit. No matter what she said, there's absolutely no way in the world that you
8 can proceed with the hearing since you're a defendant in a federal lawsuit that I'm
9 bringing against you." He further stated, "I've got to go pick up my daughter in 30
10 minutes." Clearly evidencing that, if his threat to sue did not work (it did not) he
11 would not be participating in the administrative hearing anyway.

12 If the fact he had to pick up his daughter didn't work, then he attempted to
13 set up a defense that his internet didn't work. Yet, when counsel for DFS was
14 allowed to respond to him, his internet was strong enough that he could interrupt
15 and yell (while also saying he didn't know what counsel just said). His behavior
16 then devolves into accusations and cursing. Despite continuing to state that his
17 internet did not work and he couldn't hear, he heard enough to interrupt every
18 other person at the hearing. When the hearing officer ultimately rules against his
19 motion, he says, very clearly, "I'm suing you." After hearing clearly, the ruling
20 against him and further threatening to sue, he claims he can't hear anything. He
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1 then called counsel for DFS "you're such a wise ass." The hearing officer then
2 made a specific finding that it was clear Petitioner could hear the proceedings,
3 because he kept interrupting them.
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5 The remainder of his motions were denied. At that point, his 98-person
6 witness list was discussed, at which point he participates fully in the discussion,
7 and then stated, "I haven't heard anything she said for almost ten minutes." That
8 was after he fully participated in a discussion about who was on his 98-person
9 witness list. He then goes on to call counsel for DFS a liar, while also stating that
10 he can't hear what's happening. When the hearing officer begins the hearing, after
11 having denied his motion to continue, Petitioner sends an email stating he is
12 rebooting (11:08 am) and then that he isn't participating. (11:14 am). It is evident
13 Petitioner never, since 2015, had any intention of participating in the
14 administrative hearing at any time, on any format.
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19 At the hearing, Sheri Hensel testified she was a Senior Family Services
20 Specialist with DFS and had been so employed for twelve years. She identified the
21 report that was called in to the DFS hotline, prior to the report at issue. The
22 concerns contained within the report were that the police were called out to the
23 home because two children were unsupervised in the apartment complex for about
24 an hour, running around the parking lot with no shoes on.
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1 Sheri's Unity Notes were identified by her and admitted as DFS exhibit 5.
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3 Additionally, Sheri's Nevada Initial Assessment was identified and admitted as
4 DFS exhibit 6. Sheri had a conversation with Laura Rodriguez, the mother of
5 H[REDACTED] and R[REDACTED] (although the children involved were not H[REDACTED] and R[REDACTED],
6 rather half siblings), in which she told Laura younger children should be always in
7 line of sight if they are outside. Also present for the conversation was Petitioner,
8 who at the time, was not living in the home. The police also responded to the
9 unsupervised children.
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12 Georgina Stewart testified she was a Child Development Supervisor with
13 DFS and had been so employed for fifteen years. She identified the report that was
14 called in to the DFS hotline that was at issue for this substantiation. The concerns
15 contained within the report were that Laura was abusing drugs and alcohol and
16 placing the young children at risk.
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19 Georgina's Unity Notes were identified by her and admitted as DFS exhibit
20 5. Additionally, Georgina's Nevada Initial Assessment was identified and
21 admitted as DFS exhibit 13. On December 23, 2014, Georgina responded to the
22 family home. She found H[REDACTED] and R[REDACTED], as well as their half siblings K[REDACTED]
23 and J[REDACTED] home, but neither parent was home. The children were being
24 supervised by a boyfriend of an adult sibling who was visiting for the holidays. He
25 reported the adult daughters were at the hospital with their mother Laura.
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1 Allegedly Petitioner was at work. Georgina was not allowed into the home or to
2 lay eyes on any of the children.
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4 On December 24, 2014, Georgina spoke to Laura while she was at Monte
5 Vista. Laura reported the morning of the incident she was stressed out because
6 there were no Christmas presents under the tree (Georgina had brought Christmas
7 presents to the family the night before-despite them not letting her in to interview
8 the children, they did let her in to drop off Christmas presents). She asked
9 Petitioner for money for Christmas gifts, he said the money they had was being
10 used for bills and there would be no Christmas. She was overwhelmed and had
11 been drinking, she got into the bathtub and filled it with water. She was making
12 threatening statements that she no longer wanted to live. An adult daughter called
13 911. Law enforcement responded and Laura was placed on a Legal 2000 hold. She
14 was transported to St. Rose hospital then to Monte Vista.
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19 She further reported to being released from Monte Vista on Christmas, with
20 additional mental health medications. She indicated she would be going to Monte
21 Vista for the partial program Monday through Friday and would follow up with her
22 psychiatrist. She admitted to drinking regularly, being stressed out with the kids,
23 and because her and Petitioner argued a lot because he didn't help co parent the
24 children, which caused her stress.
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1 Also on December 24, 2014, Georgina visited the family home again
2 wherein she spoke to Petitioner. She advised him of the allegations contained in
3 the report. She and Petitioner formulated a present danger plan, which was
4 identified as exhibit 10. It required Petitioner to provide 24-hour supervision of
5 Laura with the children. Petitioner signed the plan. Laura was released from the
6 hospital and reported to Georgina she was abiding by the safety plan. Georgina
7 made a referral to Boys town for in home safety services and family support
8 services.
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12 On December 29, 2014, another report was received by the hotline. The
13 report contained allegations that H [REDACTED] was admitted to Sunrise Hospital because
14 his appendix had ruptured. Neither parent had brought H [REDACTED] to the hospital,
15 rather an adult sibling had done so. She reported she brought the child to the
16 hospital because her mother was on another legal hold and Petitioner had left the
17 hospital to go to work.
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20 By this time, the adult daughters had to leave the home to return to college
21 and were concerned about the supervision their younger siblings would have.
22 They reported that during the short time they were there, their mother had been
23 hospitalized three times, had been drinking, had misused Xanax, and that she
24 would go missing for hours and they wouldn't know where she was. They also
25 reported concern about Petitioner's limited contact with H [REDACTED] at the hospital.
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1 On January 5, 2015, in addition to Boys Town services, Georgina also put in
2 place Mojave Mental Health Services for the family. On January 6, 2015, she
3 referred H [REDACTED] to SNHD for aftercare assistance after he left the hospital. On
4 January 7, 2015, Georgina again visited the home. She expressed concerns that the
5 adult children were leaving, and that during Laura's hospitalizations, Petitioner had
6 failed to parent the children. As such, both parents signed a temporary
7 guardianship to the maternal aunt and uncle.
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10 At the close of her investigation, Georgina substantiated allegations of abuse
11 and/or neglect against Petitioner. This was based upon Petitioner acknowledging
12 Laura's substance use and mental health concerns posed a threat to the children,
13 but still routinely left them unsupervised with her for long hours, in violation of the
14 present danger plan.
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17 On September 16, 2020, despite his internet issues, Petitioner was able to
18 send one last document entitled "further objection to the hearing and motion to
19 continue under neutral hearing officer in actual hearing facility." This was denied.
20 On October 15, 2020, the hearing officer issued her findings. The hearing officer
21 specifically found "the preponderance of the evidence indicates that Mr. Eggleston
22 allowed the minor children to be subjected to harmful behavior by the mother that
23 resulted in a plausible risk of physical injury/harm pursuant to NRS 432B.140.
24 Mr. Eggleston was responsible for the welfare of the minor children and was aware
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1 of the mother's alcohol and drug use and mental state. He could reasonably be
2 expected to foresee that the mother's issues were adversely affecting the minor
3 children, yet he did not intervene to protect the children from the mother. His
4 failure to act and protect the children put them at risk of plausible harm."
5

6
7 **STATEMENT OF THE CASE AFTER ADMINISTRATIVE HEARING**

8 On or about November 17, 2020, Petitioner filed a Petition for Judicial
9 Review in this Court. On or about December 17, 2020, also filed were "Motions to
10 Seal and Remand for a Legally Compliant Fair Hearing, and Filing of Copy of
11 Orders for Which Appellant Seeks Judicial Review." On or about December 29,
12 2020, Petitioner mailed to DFS (not to counsel of record) a copy of these two
13 filings. On or about January 13, 2021, DFS filed a Motion to Dismiss Petition for
14 Judicial Review.
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17 On January 27, 2021, DFS filed a Statement of Intent to Participate. On
18 January 26, 2021, DFS also filed an ERRATA to the Motion to Dismiss. On or
19 about February 3, 2021, Petitioner filed the following documents: Opposition to
20 Motion to Dismiss, Motion to Strike both Motions to Dismiss and to Stay
21 Proceedings Pending Resolution of Related Nevada Supreme Court Case, and
22 Motion to Exceed Page Limit for Motion to Strike both Motions to Dismiss and to
23 Stay Proceedings Pending Resolution of Related Nevada Supreme Court Case. On
24 February 9, 2021, DFS filed a Reply to Opposition to Clark County Department of
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1 Family Services Motion to Dismiss Petition for Judicial Review. On February 11,
2 2021, DFS filed a seven-volume record of the administrative proceeding. On
3 February 12, 2021, an Ex Parte Motion and Order to Seal Court Records was filed.
4 On February 17, 2021, DFS filed an Opposition to Petitioner's Motion to Strike
5 Both Motions to Dismiss and to Stay Proceedings Pending Resolution of the
6 Related Nevada Supreme Court Case.
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8
9 Between February 2021, and March 2022, over a year, Petitioner did not file
10 a brief pursuant to NRS 233B. In or around February of 2022, Clark Hill filed a
11 notice of appearance. Petitioner's counsel also filed a motion to lift stay in May of
12 2022. Also filed was a Motion for Access to Docket, Pleadings, Record and
13 Transcripts. On July 8, 2022, DFS filed replies to both motions.
14

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16 On or about January 30, 2023, Petitioner filed his Opening Brief. On or
17 about March 17, 2023, Respondent filed its Response. On or about April 17, 2023,
18 Petitioner filed his Reply. On or about May 4, 2023, Respondent filed a Request
19 for Submission. On or about May 8, 2023, this Court sent Petitioner and
20 Respondent an Order for Proposed Order. Each party sent their proposed order
21 within the deadline set by the Court. On or about May 24, 2023, at 1:30 pm, both
22 parties received an email asking to have a quick phone conference that day at 4:00
23 pm or on the 26th. Within the email were the following questions: "When and how
24 the 9/15/2020 hearing was set and whether, before 9/15/2020, Mr. Eggleston
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1 consented/objected.” All parties were present at 4pm wherein this question was
2 repeated. As such, supplemental Briefs and Exhibits were filed responsive to the
3 questions raised sua sponte by the Court.
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5 On May 26, 2023, this Court additionally filed an order for limited remand,
6 allowing Petitioner to file a supplement within 40 days of service of the amended
7 appeal hearing decision. An amended appeal hearing decision was served on or
8 about July 17, 2023, on this Court and the Petitioner. Petitioner chose to file a
9 Supplemental Points and Authorities and mailed the same to Respondent on
10 August 25, 2023. The order further allowed Respondent 30 days after Petitioner
11 served his supplement to file an answering supplement. A supplemental brief was
12 filed responsive to the order.
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16 **ANALYSIS OF THE FACTS AND LAW**

17 NRS 432B.317 governs fair hearings. It states:
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- 19 1. A person to whom a written notification is sent pursuant to NRS
20 432B.315 may request an administrative appeal of the substantiation of the
21 report and the agency’s intention to place the person’s name in the Central
22 Registry by submitting a written request to the agency which provides child
23 welfare services within 15 days after the date on which the agency sent the
24 written notification as required pursuant to NRS 432B.315.
- 25 2. Except as otherwise provided in subsection 3, if an agency which
26 provides child welfare services receives a request for an administrative
27 appeal within 15 days after the agency sent the written notification pursuant
28 to subsection 1, a hearing before a hearing officer must be held in
accordance with chapter 233B of NRS.

1 Here, Petitioner attempted to thwart his own right to an administrative hearing
2 for years. However, when two hearing officers required the administrative hearing
3 proceed, he failed to participate in it. Without his participation, he leaves no
4 arguments for this Court to review.
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6 As a rule, issues not raised before the District Court or in the appellant's
7 opening brief on appeal are deemed waived. *Palmieri v. Clark Cnty.*, 131 Nev.
8 Adv. Rep. 102, 367 P.3d 442 (2015). Claims that were not raised in the lower
9 court are waived. *Dermody v. City of Reno*, 113 Nev. 207, 210-11, 931 P.2d 1354,
10 1357 (1997); *Guy v. State*, 108 Nev. 770, 780 839 P.2d 578, 584 (1992), cert.
11 denied, 507 U.S. 1009, 113 S. Ct. 1656 (1993); *Davis v. State*, 107 Nev. 600, 606,
12 817 P.2d 1169, 1173 (1991). Nor will an appellate court consider issues
13 abandoned in district court. *Buck v. Greyhound Lines, Inc.*, 105 Nev. 756, 766, 783
14 P.2d 437, 443 (1989). Therefore, by failing to participate in his own administrative
15 hearing, he is precluded from making arguments in this Judicial Review, and the
16 Court denies the Petition. Further, by failing to raise lack of notice of the
17 administrative hearing in either his opening or reply brief, the issue is waived.
18 Additionally, he was present at the administrative hearing, so lack of notice would
19 not have been an issue.
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26 NRS 233B.135 states Judicial review of a final decision of an agency must be
27 conducted by the court without a jury; and confined to the record...The final
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1 decision of the agency shall be deemed *reasonable and lawful* until reversed or set
2 aside in whole or in part by the court. The *burden of proof is on the party*
3 *attacking or resisting the decision to show that the final decision is invalid*
4 *pursuant to subsection 3.* The court *shall not substitute its judgment for that of the*
5 *agency* as to the weight of evidence on a question of fact. The court may remand
6 or affirm the final decision or set it aside in whole or in part if substantial rights of
7 the petitioner have been prejudiced because the final decision of the agency is in
8 violation of constitutional or statutory provisions; in excess of the statutory
9 authority of the agency; made upon unlawful procedure; affected by other error of
10 law; clearly erroneous in view of the reliable, probative and substantial evidence
11 on the whole record; or arbitrary or capricious or characterized by abuse of
12 discretion. (Emphasis added).
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18 As such, it is Petitioner's burden to show that hearing officer Tobler's decision
19 was invalid because it was in violation of constitutional or statutory provisions, or
20 it was in excess of the statutory authority of DFS, or the decision was made upon
21 unlawful procedure, there was an error of law, or that it was clearly erroneous or
22 characterized by an abuse of discretion. Petitioner has not met this burden.
23

24 Here, the hearing officer found the following: "NRS 432B.020 defines abuse or
25 neglect of a child as 'physical or mental injury of a non-accidental nature;...; or
26 negligent treatment or maltreatment as set forth in NRS 432B.140... of a child
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1 caused or allowed by a person responsible for the welfare of the child under
2 circumstances which indicate that the child's health or welfare is harmed or
3 **threatened with harm.**' (Emphasis added.) NAC 432B.020 interprets 'non
4 accidental' for the purposes of NRS 432B.020 as arising from an event of effect
5 that a person responsible for a child's welfare could reasonably be expected to
6 foresee, regardless of whether that person did not intend to abuse or neglect a child
7 or was ignorant of the possible consequences of his actions or failure to act. NRS
8 432B.140 states negligent treatment or maltreatment of a child occurs if a child has
9 been subjected to harmful behavior that is terrorizing, degrading, painful or
10 emotionally traumatic... NRS 432B.020(3) states 'allow' means to do nothing to
11 prevent or stop the abuse or neglect of a child in circumstances where the person
12 knows or has reason to know that a child is abused or neglected. (Id.) The term
13 'nonaccidental' is interpreted in NAC 432B.020 as meaning 'arising from an event
14 or effect that a person responsible for a child's welfare could reasonably be
15 expected to foresee, regardless of whether that person did not intend to abuse or
16 neglect a child or was ignorant of the possible consequences of his actions or
17 failure to act." The hearing officer then went on to state "the preponderance of
18 the evidence indicates that Mr. Eggleston allowed the minor children to be
19 subjected to harmful behavior by the mother that resulted in a plausible risk of
20 physical injury/harm pursuant to NRS 432B.140. Mr. Eggleston was responsible
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1 for the welfare of the minor children and was aware of the mother's alcohol and
2 drug use and mental state. He could reasonably be expected to foresee that the
3 mother's issues were adversely affecting the minor children, yet he did not
4 intervene to protect the children from the mother. His failure to act and protect the
5 children put them at risk of plausible harm."

8 It is clear, by the plain meaning of NRS 432B.020(1) coupled with NRS
9 432B.140, abuse and/or neglect can occur when a child is without proper care,
10 control and supervision or lacks the subsistence, shelter, or other care necessary for
11 their well-being, or is threatened with such. Here, DFS put on more than sufficient
12 evidence to establish Petitioner failed to intervene on the children's behalf, he
13 knew that Laura was an inappropriate care provider due to her mental health and
14 drug use. He knew that constant supervision of the children was necessary. Yet he
15 carried on as if DFS had never become involved, thus placing his children at risk.

19 The Petitioner is upset the hearing officer did not use separate headings for
20 findings of fact and conclusions of law, but instead used one heading. However, it
21 is not particularly difficult to discern which are the factual findings and which are
22 the legal findings. The legal findings are discussed above, and Petitioner doesn't
23 seem to take much issue with those, as he failed to even address the law the
24 hearing officer cited. However, he seems to argue the factual findings were only
25 as to Laura. The factual findings were specific as to Petitioner. Simply because
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1 Petitioner does not like how they are set up, or how they reflect on him does not
2 make them in violation of statutory provisions.
3

4 Petitioner also appears to take issue with his own participation in the
5 administrative hearing. He first argues the hearing was scheduled on such short
6 notice that he did not have a meaningful opportunity to arrange for any of his 30+
7 witnesses to appear. Petitioner did in fact request an administrative hearing on
8 September 9, 2015. However, his administrative hearing was held, not four days
9 later, but five years and four days later, on September 15, 2020. Additionally, after
10 five years, his witness list was 98 individuals. Petitioner had five years and four
11 days to prepare for his administrative hearing and present his 98 witnesses. Yet, he
12 chose not to participate in the administrative hearing, and it had absolutely nothing
13 to do with his internet.
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18 The Hearing Officer specifically found that “Mr. Eggleston was initially
19 present at the hearing during arguments on his motions prior to the hearing
20 beginning, but then failed to be present for the actual hearing.” Petitioner’s
21 internet was strong enough to participate in approximately one-half hour of the
22 hearing, and to engage in inappropriate behavior while doing so. The beginning
23 of the hearing was argument on the emails Petitioner had sent on September 14,
24 2020, “motion for continuance and objection to short notice of hearing, hearing by
25 Webex to which eggleston has not consented, concealed entry in the capta central
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1 registry making hearing moot unauthorized participation of conflicted hearing
2 officer and district attorney's office. In defending his "motions", Petitioner stated
3 "we're in the process of filing and everybody will be served with a complaint for
4 civil rights violations and racketeering. All-both of you are defendants in that
5 lawsuit. No matter what she said, there's absolutely no way in the world that you
6 can proceed with the hearing since you're a defendant in a federal lawsuit that I'm
7 bringing against you." Certainly, Petitioner's pattern was to threaten to sue anyone
8 who was involved with the administrative hearing to prevent the administrative
9 hearing from occurring. He further stated, "I've got to go pick up my daughter in
10 30 minutes." Clearly evidencing that, if his threat to sue did not work (it did not)
11 he would not be participating in the administrative hearing anyway.

12 If the fact he had to pick up his daughter didn't work, then he attempted to
13 set up a defense that his internet didn't work. Yet, when counsel for DFS was
14 allowed to respond to him, his internet was strong enough that he could interrupt
15 and yell (while also saying he didn't know what counsel just said). His behavior
16 then devolves into accusations and cursing. Despite continuing to state his internet
17 did not work and he couldn't hear, he heard enough to interrupt every other person
18 at the hearing. When the hearing officer ultimately rules against his motion, he
19 says, very clearly, "I'm suing you." After hearing clearly the ruling against him
20 and further threatening to sue, he claims he can't hear anything. He then called
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1 counsel for DFS “you’re such a wise ass.” (Id.) **The hearing officer then made a**
2 **specific finding that it was clear Petitioner could hear the proceedings,**
3 **because he kept interrupting them.**

4
5 Next, his 98-person witness list is discussed, at which point he participates
6 fully in the discussion, and then stated, “I haven’t heard anything she said for
7 almost ten minutes.” That was after he fully participated in a discussion about who
8 was on his 98-person witness list. He then goes on to call counsel for DFS a liar,
9 while also stating that he can’t hear what’s happening. When the hearing officer
10 begins the hearing, after having denied his motion to continue, Petitioner sends an
11 email stating he is rebooting (11:08 am) and then that he isn’t participating. (11:14
12 am). It is evident Petitioner never, since 2015, had any intention of participating in
13 the administrative hearing at any time, on any format. He was never denied the
14 opportunity to cross examine any witnesses, he chose not to because he was not
15 getting his way.

16
17 It is further a misstatement that Petitioner “sent Dorman an email during the
18 hearing, indicating that he had been disconnected and ‘reserving his right to
19 conduct (the hearing) at a later date.’” Although that happened, the reason
20 Petitioner did not participate was due to the second email he sent, the one about
21 preferring to pick up his daughters rather than participate. This is an email
22 Petitioner never mentions in the entirety of his Opening Brief. The hearing officer
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1 specifically found “about one half hour into the hearing, Mr. Eggleston emailed to
2 advise that he was leaving to pick up his daughters from school.” Again, Petitioner
3 never mentions this specific finding in the entirety of his Opening Brief. Petitioner
4 was not denied anything, he chose not to participate when he did not get his way.
5

6 At the same time hearing officer Tobler issued her written decision, she issued
7 written decisions on Petitioner’s September 14, 2020, documents he sent the night
8 before the hearing. Within the decision on the denial of one of the motions, she
9 makes very specific findings as to Petitioner’s internet. She states, “ during
10 arguments on the motions on September 15, 2020, Mr. Eggleston’s computer
11 ‘dropped’, but only when others were talking, not while he was talking. I find that
12 the computer ‘drops’ were most likely intentional, and not due to any broadband
13 issues.” It was not impossible for Petitioner to utilize his internet. He had no
14 trouble emailing thousands of pages of documents, before or after the hearing. He
15 had no trouble participating in the hearing for approximately 30-40 minutes, but
16 then ceasing to participate when he did not get his way. The decision was not in
17 violation of statutory provision, nor did it exceed statutory authority.
18

19 “The standard for reviewing petitions for judicial review of administrative
20 decisions is the same for this court as it is for the district court. Like the district
21 court, we review an administrative appeal officer’s determination of questions of
22 law, including statutory interpretation, de novo. We review an administrative
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1 agency's factual findings for clear error or an arbitrary abuse of discretion and will
2 only overturn those findings if they are not supported by substantial evidence."
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4 *City of North Las Vegas v. Warburton*, 127 Nev. 682, 686, 262 P.3d 715, 718
5 (2011). Substantial evidence is that which a reasonable person might accept as
6 adequate to support a conclusion. *Ayala v. Caesar's Palace*, 119 Nev. 232, 235,
7 71 P.3d 490, 491-492 (2014). Pursuant to *Warburton*, this Court reviews an
8 administrative agency's factual findings for clear error or an arbitrary abuse of
9 discretion and will only overturn those findings if they are not supported by
10 substantial evidence. Petitioner has failed to meet this burden.

13 Petitioner seems to argue the truncated nature of the investigation and his
14 own actions render the hearing officer's findings about Petitioner clearly
15 erroneous. In support of this argument, Petitioner states he was never given a
16 choice to leave the home with the children and that he executed a present danger
17 plan and agreed to assistance from various community providers.

20 What Petitioner fails to acknowledge is that 'executing' a present danger
21 plan is wholly different than abiding by the present danger plan. Georgina Stuart
22 specifically testified she substantiated the allegations because Petitioner
23 acknowledged Laura's substance use and mental health concerns posed a threat to
24 the children, but still **routinely left them unsupervised with her for long hours**,
25 in violation of the present danger plan. This testimony is uncontroverted. Thus,
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1 Petitioner's argument that he was present in the family home on a daily basis
2 throughout the entire investigation is disingenuous. Perhaps he checked in at the
3 family home daily, but he admitted to leaving the children unsupervised with Laura
4 for long hours, despite his admission in his Opening Brief that her mental health
5 and substance abuse issues were a threat to the children.
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8 Further, Petitioner states he determined he would leave Laura and leave the
9 family home. However, the hearing officer specifically found Petitioner was being
10 evicted from the home, not that he was leaving the situation voluntarily. She also
11 found the attempted safety services intervention was unsuccessful. It is not enough
12 to agree to assistance from safety services providers as asserted by Petitioner, as a
13 parent you must participate and make them work.
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16 Finally, and most importantly, Petitioner's assertion he was not given the
17 opportunity to leave the home with the children is belied by the record. The
18 hearing officer specifically found "the parents both believed that allowing the
19 children to go live with the maternal aunt and uncle is what was needed until they
20 could figure some things out. The mother and Mr. Eggleston signed temporary
21 guardianship of H [REDACTED] and R [REDACTED] to the maternal aunt and uncle. Mr. Eggleston
22 did so with the advice of his counsel, Emily McFarling, as described in her July 11,
23 2015 email. The Las Vegas Metropolitan Police Department did not threaten, spit
24 or draw their weapons on Mr. Eggleston to force him to sign the temporary
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1 guardianship.” As such, it is clear Petitioner himself made the decision to forgo
2 pursuing any further parenting of the children, and instead elected to sign a
3 temporary guardianship. Not only did he voluntarily make this decision, but he
4 also made this decision with the advice of competent legal counsel. He should not
5 now be heard to complain that he was not given any other options. He made his
6 choice with the advice of counsel.
7

8
9 On July 14, 2023, Hearing Officer Tobler authored an amended appeal
10 hearing decision. Within it, she states “The substantiation of the allegation in this
11 matter was based on the totality of the circumstances/facts over a period of time,
12 rather than on a single incident.” She specifically states on December 21, 2014,
13 Laura Rodriguez was so out of control from mental health issues and drug and
14 alcohol abuse that the children locked themselves in a bathroom to be safe from
15 her until she passed out. Laura was doing drugs and drinking alcohol daily and
16 was placing the minor children at risk of her harmful behavior that was
17 emotionally traumatic to them. Petitioner was unwilling to intervene to protect the
18 children from Laura’s drug and alcohol abuse. She further goes on to state Laura
19 admitted to using Xanax and alcohol as a coping mechanism. Petitioner was aware
20 of Laura’s drug and alcohol problem but failed to parent the children and failed to
21 intervene to protect them. K [REDACTED] primarily took care of the three minor children,
22 even when Petitioner was home. Petitioner admitted to leaving most of the
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1 parenting to Laura, even when he was home, and despite knowing of her drug and
2 alcohol abuse. This was an ongoing problem. H[REDACTED] had a near drowning
3 incident in April 2014 while in the care of Laura and while Petitioner was home.
4 She further goes on to state the preponderance of the evidence indicates Laura's
5 mental health issues and drug and alcohol abuse subjected the children to harmful
6 behavior that was terrorizing, painful and emotionally traumatic and left the
7 children without proper care, control, and supervision. Petitioner allowed and did
8 nothing to prevent or stop the negligent treatment of the children by Laura in
9 circumstances where he knew or had reason to know that the children were being
10 neglected because he knew of Laura's drug and alcohol abuse. Petitioner refused
11 to provide the proper care, control, and supervision necessary for the well being of
12 the minor children when he was able to do so because he refused to parent the
13 children. Petitioner allowed the minor children to be subjected to harmful behavior
14 by Laura that resulted in negligent treatment/maltreatment of the children, pursuant
15 to NRS 432B.140, under circumstances which indicated a plausible risk that the
16 children's health or welfare was harmed or threatened with harm.

17 She goes on to state that Petitioner "failed to maintain 24-hour supervision
18 of Laura when she took Xanax and drank vodka on December 27, 2014, before
19 again going to the hospital, and again when Laura went to the emergency room on
20 January 2, 2015 to get a prescription for Xanax, which was filled the same day and
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1 then empty two days later, as well as her continued drinking of vodka. Laura had
2 also gone missing for hours with no one knowing where she was.” This was after
3
4 Petitioner signed a Present Danger Plan with DFS wherein he specifically agreed
5 to maintain 24-hour supervision of Laura to protect the children from her. Finally,
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7 she states “the preponderance of the evidence indicates that Mr. Eggleston refused
8 to provide the proper care, control, and supervision necessary for the well being of
9 the minor children when he was able to do so because he refused to parent the
10 children even when Laura couldn’t because of her drug and alcohol abuse and
11 related hospitalizations. Mr. Eggleston engaged in negligent
12 treatment/maltreatment of the children, pursuant to NRS 432B.140, under
13 circumstances which indicated a plausible risk that the children’s health or welfare
14 was harmed or threatened with harm.”
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17 The Nevada Administrative Code governs substantiations. NAC 432B.170 is
18 clear. It states “After the investigation of a report of the abuse or neglect of a
19 child, an agency which provides child welfare services shall determine its case
20 findings based on whether there is **reasonable cause to believe** a child is abused or
21 neglected, or threatened with abuse or neglect, and whether there is **credible**
22 **evidence** of alleged abuse or neglect of the child. The agency shall make one of
23 the following findings: The allegation of abuse or neglect is substantiated; or the
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1 allegation of abuse or neglect is unsubstantiated.” Here, the child welfare agency
2 clearly made a finding of abuse or neglect, as required by NAC 432B.170.

3
4 The standard for a criminal conviction is entirely different. Obviously, a
5 criminal conviction requires proof beyond a reasonable doubt. However, a
6 substantiation may stand even when a criminal prosecution is dropped or never
7 pursued. A criminal conviction is not dispositive of a substantiation decision, nor
8 would a substantiation be dispositive of a criminal conviction. Presenting cases to
9 this Court that analyze sufficiency of the evidence when proof beyond a reasonable
10 doubt is required has no bearing on whether there was a preponderance of the
11 evidence to support a substantiation. As such, it has no bearing on this Court’s
12 decision.

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16 Petitioner states the first amended finding of the hearing officer, the night the
17 children locked themselves in the bathroom, is objectionable because Petitioner
18 may or may not have been present and it may or may not have contained hearsay.
19 As a rule, issues not raised before the District Court or in the appellant’s opening
20 brief on appeal are deemed waived. *Palmieri v. Clark Cnty.*, 131 Nev. Adv. Rep.
21 102, 367 P.3d 442 (2015). Claims that were not raised in the lower court are
22 waived. *Dermody v. City of Reno*, 113 Nev. 207, 210-11, 931 P.2d 1354, 1357
23 (1997); *Guy v. State*, 108 Nev. 770, 780 839 P.2d 578, 584 (1992), cert. denied,
24 507 U.S. 1009, 113 S. Ct. 1656 (1993); *Davis v. State*, 107 Nev. 600, 606, 817
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1 P.2d 1169, 1173 (1991). Nor will an appellate court consider issues abandoned in
2 district court. *Buck v. Greyhound Lines, Inc.*, 105 Nev. 756, 766, 783 P.2d 437,
3 443 (1989). Therefore, by failing to participate in his own administrative hearing,
4 he is precluded from now arguing that any testimony taken was hearsay. Further,
5 he cannot present evidence that he was or was not present, as his own failure to
6 participate in the administrative hearing precludes him from doing so.
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8
9 However, Petitioner fails to address the fact that the hearing officer
10 specifically stated the substantiation was based upon the totality of the
11 circumstances/facts over a period, rather than on a single incident. Therefore, this
12 was simply the start of the analysis, and certainly not the conclusion of the
13 analysis. The hearing officer then goes on to outline after that night, Petitioner
14 signed a present danger plan, that required 24-hour supervision of Laura around the
15 children due to her use of Xanax, alcohol abuse, and mental health issues. She
16 found, very specifically, that on December 27, 2014, merely three days after
17 signing this present danger plan, Petitioner failed to maintain 24-hour supervision
18 of the children when Laura took Xanax and drank vodka and had to be hospitalized
19 again. She further found that Petitioner violated the present danger plan again on
20 January 2, 2015, when Laura was hospitalized again for Xanax and vodka.
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26 Next, Petitioner states the hearing officer improperly relied on a near drowning
27 incident in April of 2014. However, what the hearing officer stated was “Mr.
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1 Eggleston was aware of Laura's drug and alcohol problem but failed to parent the
2 children and failed to intervene to protect them. The 11-year-old child, K [REDACTED]
3 R [REDACTED], primarily took care of the three minor children, even when Mr.
4 Eggleston was home. Mr. Eggleston admitted to leaving most of the parenting to
5 Laura, even when he was home, and despite knowing of her drug and alcohol
6 abuse. **This was an ongoing problem. H [REDACTED] E [REDACTED] has a near-drowning**
7 **incident in April 2014, while in the care of Laura and while Mr. Eggleston was**
8 **home."** Again, the hearing officer made it clear the substantiation was based on
9 the totality of the circumstances/facts over a period, rather than on a single
10 incident. This was simply an example of poor or absent supervision, regardless of
11 whether there was present danger, impending danger, or maltreatment. But this
12 was merely one example of the extensive poor or absent supervision exhibited by
13 Petitioner.
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19 Next Petitioner seems to indicate he cannot be substantiated because the present
20 danger plan included individuals who were NOT responsible for the welfare of the
21 children. NRS 432B.130 states "A person is responsible for a child's welfare
22 under the provisions of this chapter if the person is the child's parent, guardian, a
23 stepparent with whom the child lives, an adult person continually or regularly
24 found in the same household as the child, a public or private home, institution or
25 facility where the child actually resides or is receiving care outside of the home for
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1 all or a portion of the day, or a person directly responsible or serving as a volunteer
2 for or employed by such a home, institution or facility.” Here, Petitioner was the
3 person responsible for the welfare of his own very young and very vulnerable
4 children. Not their barely adult half-sisters who were visiting from college. They
5 are not responsible for the children’s welfare, Petitioner is. Petitioner is content to
6 blame others for his neglect of his own children, rather than taking responsibility
7 for his actions.
8

9
10 Further, his statement that he could do nothing to prevent Laura from abusing
11 prescription medication and alcohol is further evidence of his utter failure to take
12 responsibility for his own actions, and his own children. The entire amended
13 appeal hearing decision focuses on Petitioner’s failure to protect H [REDACTED] and R [REDACTED],
14 not on his failure to fix Laura.
15

16
17 Finally, Petitioner takes issue with the fact the hearing officer found on
18 December 28, 2014, he went to the hospital to sign consent for H [REDACTED] surgery,
19 but then left and had limited contact with H [REDACTED] at the hospital. He takes issue
20 with that because there is no evidence Georgina Stuart reviewed H [REDACTED] hospital
21 records and that the hearing officer does not specify what limited contact means,
22 for example did he visit once, twice, five times? How long did each visit last for?
23 The appropriate time to determine those answers would have been at the
24 administrative hearing. But again, because Petitioner utterly failed to participate,
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1 he gave up the opportunity to question the witnesses who testified. Because he did
2 so, he cannot now be heard to complain.
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4 Further, the hearing officer specifically states the adult sister informs the
5 hospital she was concerned about his utter failure to intervene to protect the
6 children. Clearly, this was the issue regarding the hospital visit. But again, this
7 isn't an isolated incident. This was another event, in the chain of events, that led to
8 the totality of the circumstances.
9

10 It is clear, by the plain meaning of NRS 432B.020(1) coupled with NRS
11 432B.140, abuse and/or neglect can occur when a child is without proper care,
12 control and supervision or lacks the subsistence, shelter, or other care necessary for
13 their well-being, or is threatened with such. Here, DFS put on more than sufficient
14 evidence to establish Petitioner failed to intervene on the children's behalf, he
15 knew that Laura was an inappropriate care provider due to her mental health and
16 drug use. He knew that constant supervision of the children was necessary. Yet he
17 carried on as if DFS had never become involved, thus placing his children at risk.
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23 **CONCLUSION**

24
25 The burden of proof is on the party attacking or resisting the decision to
26 show the final decision is invalid. NRS 233B.135. Here, Petitioner has failed to
27 show either the final decision of the agency is in violation of constitutional or
28

1 statutory provisions; in excess of the statutory authority of the agency; made upon
2 unlawful procedure; affected by other error of law; clearly erroneous in view of the
3 reliable, probative and substantial evidence on the whole record; or arbitrary or
4 capricious or characterized by abuse of discretion. Because Petitioner has the
5 burden and has failed at proving his burden, this Court upholds the hearing
6 officer's substantiation of the Petitioner.
7

8 ORDER

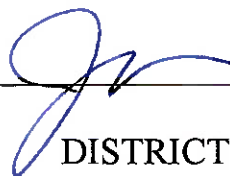
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10 The Court, having considered the briefing on the Petition, being fully
11 advised in the premises and good cause appearing therefor, hereby finds and orders
12 on the pleadings (no hearing having taken place) as follows:
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14
15 IT IS HEREBY ORDERED that the Petition is DENIED.

16 IT IS HEREBY FURTHER ORDERED that the Decision's finding – i.e.,
17 that the substantiation of the allegation of Physical Injury (Abuse) - Physical Risk
18 as to K [REDACTED] R [REDACTED], J [REDACTED] R [REDACTED], R [REDACTED] E [REDACTED], and H [REDACTED]
19 E [REDACTED] against Mr. Eggleston was proven by a preponderance of the evidence
20 and upheld – is AFFIRMED.
21

22
23 IT IS HEREBY FURTHER ORDERED that Amity C. Latham, Esq. and
24 Felicia Quinlan, Esq. will serve a notice of entry of this Order on all other parties
25 and file proof of such service within seven days after the date the Court sent this
26 Order to the attorneys.
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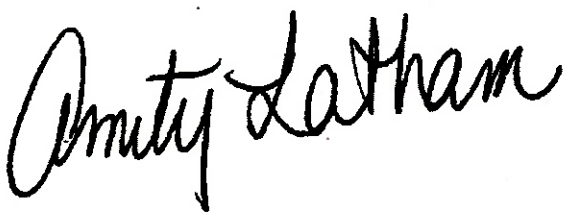
1 Dated this 13 day of October 2023.

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DISTRICT COURT JUDGE

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9 Respectfully submitted by:

10 **STEVEN B. WOLFSON**
11 **DISTRICT ATTORNEY**
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17 By _____
18 Amity C. Latham
19 Chief Deputy District Attorney
20 Nevada State Bar No. 9316
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Clark County District Attorney's Office, and that on the ____ day of October 2023, I caused to be served a true and correct copy of the foregoing **AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW** in the following manner:

(Electronic Service)

Billie Shadron (bshadron@carson.org)

(Mailing)

Paola M. Armeni, Esq.
William Schuller, Esq.
Clark Hill PLLC
1700 S. Pavilion Center Drive, Ste. 500
Las Vegas, NV 89135

James E. Wilson, Jr.
District Judge
First Judicial District Court
885 East Musser Street
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