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Steven D. Grierson
CLERK OF THE COURT

NOAS
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
VACCARINO LAW OFFICE
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

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Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: O

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant/Counterclaimant, CHERYL ANN SLADER, hereby appeals to the Supreme Court of Nevada from the following:

1. Order filed on July 14, 2023 and entered July 17, 2023.

The Order entered on July 17, 2023 finalizes the divorce proceedings stemming from the Findings of Fact, Conclusions of Law and Decree of Divorce filed on April 8, 2022 and entered on June 7, 2022, which was also directed by the Supreme Court in Supreme Court Case No. 84847.

Dated this 16th day of August, 2023.

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

Docket 87160 Document 2023-27060

Case Number: D-19-590338-D

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that, pursuant to NRCP 6 and NEFCR 9, on the 16th day of August, 2023, I caused a true and correct copy of the following **NOTICE OF APPEAL** to be served, via Wiznet, to the following parties:

Cory Colley
cory.colley@hotmail.com

/s/ Matthew Layton
Matthew Layton, an employee of the
VACCARINO LAW OFFICE

Electronically Filed
8/16/2023 4:23 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
VACCARINO LAW OFFICE
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: O

CASE APPEAL STATEMENT

COMES NOW, Defendant/Counterclaimant, CHERYL ANN SLADER, by and through her counsel, PATRICIA L. VACCARINO, ESQ., of the VACCARINO LAW OFFICE, and pursuant to NRAP 3, submits her Case Appeal Statement.

1. **Name of appellant filing this Case Appeal Statement:** Cheryl Ann Slader.

2. **Identify the Judge issuing the decision, judgment, or order appealed from:** The Honorable Amy M. Mastin and Regina M. McConnell.

3. **Identify each appellant and the name and address of counsel for each appellant:** CHERYL ANN SLADER. **PATRICIA L. VACCARINO, ESQ.**, of the VACCARINO LAW OFFICE, 10161 Park Run Drive, Suite 150, Las Vegas, NV 89145, (702) 258-8007.

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent:** CORY LAWRENCE COLLEY, in proper person, 849 Hedge Way #3, Las Vegas NV 89110, (702)575-4389.

. . .

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the District Court granted that attorney permission to appear under SCR 42:** Patricia L. Vaccarino, Esq. is licensed to practice law in the State of Nevada.

6. **Indicate whether appellant was represented by, appointed or retained counsel in the District Court:** CHERYL initially retained Patricia L. Vaccarino, Esq., IN AN UNBUNDLED CAPACITY, in the District Court action. However, Patricia L. Vaccarino, Esq. now represents CHERYL in a general capacity.

7. **Indicate whether appellant is represented by, appointed or retained counsel on Appeal:** CHERYL is represented by counsel on Appeal at a reduced hourly rate.

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court granting such leave:** CHERYL was not granted leave to proceed in forma pauperis.

9. **Indicate the date the proceedings commenced in the District Court**: Complaint for Divorce filed on May 30, 2019.

10. **Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or Order being appealed and the relief granted by the District Court:** This is a custody and divorce action. CHERYL appeals from the Order filed on July 14, 2023 and entered on July 17, 2023. However, the Order entered on July 17, 2023 finalizes the divorce proceedings stemming from the Findings of Fact, Conclusions of Law and Decree of Divorce filed on April 8, 2022 and entered on June 7, 2022.

In utilizing the incorrect standards of law, misapplying legal standards, denying due process and abusing her discretion, the District Court went beyond its jurisdiction for the custody trial conducted on March 11, 2022. The District Court granted a Decree of Divorce and denied CHERYL the provision of alimony without allowing Discovery, nor receiving evidence, nor finalizing a holiday and special visitation schedule (which was finally resolved at the June 1, 2023 trial). The March 11, 2022 trial was ordered to proceed for ONLY

custody issues.

CHERYL was awarded joint physical custody of the minor child at a preliminary hearing where Judge Gentile presided over the case. The case was assigned to Judge Mastin who rescheduled the custody trial and was not specific about Discovery close for the newly scheduled custody trial date. The parties and counsel continued to exchange Discovery documents to be utilized as Exhibits for the custody trial. At the commencement of the custody trial, Judge Mastin surprisingly and erroneously ordered that Judge Gentile's prior Discovery close would apply to the custody trial, although that prior close of Discovery was scheduled for February 1, 2021, 13 months earlier.

Judge Mastin scheduled a new trial date for March 11, 2022, but at the commencement of trial surprisingly and erroneously ordered that if documents were exchanged by the February 1, 2021 close of Discovery, they would not be admitted to trial. Yet, this close of Discovery was 13 months prior to the newly scheduled trial date of March 11, 2022. Also, the Judge did receive much evidence regarding custody issues at trial for issues and an evaluation that occurred after the February 1, 2021 earlier, Discovery cut-off date. Therefore, CHERYL's constitutional and other, legal rights were violated. Judge Mastin did not comply with her illogical Discovery close Order, and picked which testimony and evidence she would receive or preclude, despite the February 1, 2021 surprising Discovery cut-off date that was not placed in writing and filed with the Court. The District Court received much evidence that occurred or was disclosed after February 2021, but precluded other evidence that was not disclosed prior to February 1, 2021 if the proof appeared to benefit CHERYL's position in the case. The District Court even allowed a child custody interview report and evaluator testimony which interviews and evaluation occurred well after February 1, 2021 to be received as evidence that supported the Plaintiff's position in the case. However, this Discovery cut-off date was prejudicial because counsel had already stipulated to admit certain Exhibits that were produced much later than the prior close of Discovery believing that Discovery would close closer to the time of the newly scheduled trial.

In refusing to admit compelling evidence of the Plaintiff's lack of cooperation, lack of good coparenting, creating problems for the child's progress and commission of domestic violence, Judge Mastin erred when stripping CHERYL of her joint physical custody rights. The District Court abused discretion and ignored law and facts when awarding CHERYL only two weekends per month with the child and refused and failed to issue a holiday, special visitation and vacation plan, stating such would be ordered sometime in the future. All of these acts deprive CHERYL of her presumptive, legal custody rights without factual nor legal basis.

The District Court violated Nevada law in bifurcating the granting of a divorce from adjudication of financial issues and alimony.

The District Court denied CHERYL due process of law in refusing to allow her sufficient time to present evidence for custody, in refusing to receive and admit timely served disclosures and not allowing many of CHERYL's Exhibits to be admitted at the time of the custody trial.

Further due process rights were denied because the District Court was aware that both counsel confirmed at the custody trial that no Discovery had been completed relating to financial issues. The District Court still somehow granted a Decree of Divorce when no financial Discovery was completed and ONLY custody was to be addressed. The District Court denied Cheryl her clear right to alimony and child support, making no Orders, except "IT IS FURTHER ORDERED any claim for spousal support is waived".

The District Court ignored reliable evidence offered and received of domestic violence and poor coparenting committed by the Plaintiff.

The District Court erroneously granted Plaintiff primary physical custody.

The District Court failed to issue accurate and complete Findings regarding domestic violence, the custody schedule ordered and the best interest factors in deciding to strip CHERYL of her joint physical custody rights.

The holiday and special visitation schedule was finally resolved at the June 1, 2023 trial and contained in the Order entered on July 17, 2023.

11. **Indicate whether the case has previously been the subject of an Appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:** Supreme Court Case No. 84847.

12. **Indicate whether this Appeal involves child custody or visitation:** This case does involve such issues.

13. **If this is a civil case, indicate whether this Appeal involves the possibility of settlement:** Possibility of settlement may still exist, and CHERYL welcomes the opportunity to address the issues before a neutral and unbiased Appellate Settlement Judge. CHERYL and her counsel are hopeful that a Settlement Judge will provide an unbiased, valid legal, opinion as to the current state of affairs. All prior attempts by Appellant and her District Court counsel to reasonably settle the remaining issues have been rejected by Respondent.

DATED this 16th day of August, 2023.

Submitted by:

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that, pursuant to NRCP 6 and NEFCR 9, on the 16th day of August, 2023, I caused a true and correct copy of the following **CASE APPEAL STATEMENT** to be served, via Wiznet, to the following parties:

Cory Colley
cory.colley@hotmail.com

/s/ Matthew Layton
Matthew Layton, an employee of the
VACCARINO LAW OFFICE

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-19-590338-D

Cory Lawrence Colley, Plaintiff	§	Location:	**Department O**
vs.	§	Judicial Officer:	**McConnell, Regina M.**
Cheryl Ann Slader, Defendant.	§	Filed on:	**05/30/2019**
	§	Case Number History:	

CASE INFORMATION

Related Cases
D-19-583269-D (1J1F Related - Rule 5.103)

Case Type: **Divorce - Complaint**
Subtype: **Complaint Subject Minor(s)**

Case Status: **05/30/2019 Open**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Order / Decree Logged Into Department
Proper Person Documents Mailed
Appealed to Supreme Court

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	D-19-590338-D
Court	Department O
Date Assigned	03/27/2023
Judicial Officer	McConnell, Regina M.

PARTY INFORMATION

Plaintiff	**Colley, Cory Lawrence**	**Pro Se** 702-575-4389(H)
Defendant	**Slader, Cheryl Ann**	**Vaccarino, Patricia L** *Retained* 702-258-8007(W)
Subject Minor	**Colley, Jai Sting**	

DATE — EVENTS & ORDERS OF THE COURT

EVENTS

05/30/2019 Complaint for Divorce
[1] Complaint for Divorce

05/30/2019 Summons Issued Only
[2] Summons Issued Only

05/30/2019 Request for Issuance of Joint Preliminary Injunction
Filed By: Counter Defendant Colley, Cory Lawrence
[3] Request for Issuance of Joint Preliminary Injunction

07/07/2019 Affidavit of Service
Filed By: Counter Defendant Colley, Cory Lawrence
[4] Affidavit of Service

07/09/2019 Peremptory Challenge
Filed By: Counter Claimant Slader, Cheryl Ann
[5] Peremptory Challenge of Judge

07/09/2019	Notice of Department Reassignment *[6] Notice of Department Reassignment*
07/10/2019	Certificate of Service Filed by: Counter Claimant Slader, Cheryl Ann *[7] Certificate of Service of Peremptory Challenge of Judge*
07/18/2019	Notice of Change of Address Filed By: Counter Defendant Colley, Cory Lawrence *[8] Notice of Change of Address*
07/18/2019	Financial Disclosure Form Filed by: Counter Defendant Colley, Cory Lawrence *[9] General Financial Disclosure Form*
07/18/2019	Motion Filed By: Counter Defendant Colley, Cory Lawrence *[10] Plainitff's Motion for Alimony and Settlement of Marital Home and Credit Cards*
07/18/2019	Certificate of Service Filed by: Counter Defendant Colley, Cory Lawrence *[11] Certificate of Service*
07/25/2019	Answer and Counterclaim - Divorce, Annulment, Separate Maint *[12] Defendant's Answer and Counterclaim for Divorce*
07/26/2019	Certificate of Service Filed by: Counter Claimant Slader, Cheryl Ann *[13] Certificate of Service of Answer and Counterclaim*
08/06/2019	Opposition and Countermotion Filed By: Counter Claimant Slader, Cheryl Ann *[14] Defendant's Opposition to Plaintiff's Motion for Alimony and Settlement of Marital Home and Credit Cards and Countermotion for Temporary Orders and Related Relief*
08/07/2019	Notice of Hearing *[15] Notice of Hearing*
08/07/2019	Proof of Service Filed By: Counter Claimant Slader, Cheryl Ann *[16] Proof of Service of Defendant's Opposition to Plaintiff's Motion, et. al. and Notice of Hearing*
08/13/2019	NRCP 16.2 Case Management Conference Order *[17] Order Setting Case Management Conference and Directing Compliance with NRCP 16.2*
08/19/2019	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[18] Notice of Intent to Take Default*
08/19/2019	Certificate of Service Filed by: Counter Defendant Colley, Cory Lawrence *[19] Certificate of Service*
08/19/2019	Reply to Counterclaim Filed By: Counter Defendant Colley, Cory Lawrence *[20] Reply to Counterclaim*
08/19/2019	Miscellaneous Filing *[21] Cope Class Certificate of Completion*
08/20/2019	Financial Disclosure Form Filed by: Counter Claimant Slader, Cheryl Ann *[22] Defendant's Financial Disclosure Form*
08/26/2019	

Notice
Filed By: Counter Claimant Slader, Cheryl Ann
[23] Notice of Intent to Appear by Telephone

09/09/2019 Reply to Opposition
Filed by: Counter Defendant Colley, Cory Lawrence
[24] Reply to Opposition and/or Countermotion

09/09/2019 Certificate of Service
Filed by: Counter Defendant Colley, Cory Lawrence
[25] Certificate of Service

09/11/2019 Notice of Seminar Completion EDCR 5.302
Filed by: Counter Defendant Colley, Cory Lawrence
[26] Notice of Seminar Completion

10/01/2019 Re-Notice of Motion
Filed by: Counter Defendant Colley, Cory Lawrence
For: Counter Claimant Slader, Cheryl Ann
[27] Re-Notice of Motion

10/01/2019 Certificate of Service
Filed by: Counter Defendant Colley, Cory Lawrence
[28] Certificate of Service

10/07/2019 Order for Family Mediation Center Services
[29] Order for Family Mediation Center Services

10/15/2019 Financial Disclosure Form
Filed by: Counter Defendant Colley, Cory Lawrence
[30] General Financial Disclosure Form

10/18/2019 Ex Parte Motion
Filed by: Counter Defendant Colley, Cory Lawrence
[31] Ex Parte Motion For An Order Shortening Time

12/02/2019 Financial Disclosure Form
Filed by: Counter Claimant Slader, Cheryl Ann
[32] Defendant's Financial Disclosure Form

12/03/2019 Behavior Order
[33] Mutual Behavior Order

12/13/2019 Notice of Change of Address
Filed By: Counter Defendant Colley, Cory Lawrence
[34] Notice of Change of Address

12/13/2019 Filing
Filed by: Counter Defendant Colley, Cory Lawrence
[35] Responding to Opposing Counsel Order Draft

12/13/2019 Certificate of Mailing
Filed By: Counter Defendant Colley, Cory Lawrence
[36] Certificate of Mailing

01/21/2020 Motion
Filed By: Counter Defendant Colley, Cory Lawrence
[37] Motion and Notice of Motion for Temporary Custody Vistation and Inteview of Child Witness

01/21/2020 Receipt of Copy
Filed By: Counter Defendant Colley, Cory Lawrence
[38] Receipt of Copy

01/27/2020 Substitution of Attorney

Filed By: Counter Claimant Slader, Cheryl Ann
[39] Substitution of Attorney

01/28/2020 Motion
Filed By: Counter Claimant Slader, Cheryl Ann
[40] Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

01/28/2020 Ex Parte Application
Filed by: Counter Claimant Slader, Cheryl Ann
[41] Ex Parte Application for an Order to Show Cause

01/28/2020 Ex Parte Motion
Filed by: Counter Claimant Slader, Cheryl Ann
[42] Ex Parte Motion for an Order Shortening Time

01/28/2020 Exhibits
[167] List of Exhibits

01/29/2020 Order Shortening Time
Filed By: Counter Claimant Slader, Cheryl Ann
[44] Order Shortening Time

01/29/2020 Order
[45] Order for the OurFamilyWizard Website Services

02/04/2020 Order
Filed By: Counter Claimant Slader, Cheryl Ann
[43] Order Pursuant to December 3, 2019 Hearing

02/04/2020 Opposition and Countermotion
Filed By: Counter Claimant Slader, Cheryl Ann
Party 2: Counter Defendant Colley, Cory Lawrence
[46] Defendant's Opposition to Motion for Orders for Temporary Custody,Visitation, and/or Child Support, and Countermotion and Countermotion

02/04/2020 Objection
Filed By: Counter Claimant Slader, Cheryl Ann
[47] Objection to Plaintiff's Exhibit(3) and Motion to Strike

02/04/2020 Exhibits
Filed By: Counter Claimant Slader, Cheryl Ann
[48] Exhibit Appendix

02/04/2020 Certificate of Service
Filed by: Counter Claimant Slader, Cheryl Ann
[49]

02/05/2020 Opposition to Motion
Filed by: Counter Defendant Colley, Cory Lawrence
[50] Opposition to Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

02/05/2020 Certificate of Service
Filed by: Counter Defendant Colley, Cory Lawrence
[51] Certificate of Service

02/05/2020 Notice of Entry of Order
Filed By: Counter Claimant Slader, Cheryl Ann
[52] Notice of Entry of Order

02/18/2020 Response
Filed By: Counter Defendant Colley, Cory Lawrence
[53] Pltf's Response to Dft's Opposition to Motion for Temporary Custody, Visitation and Interview of Child Witness

02/18/2020 Response
Filed By: Counter Defendant Colley, Cory Lawrence
[54] Pltf's Response to Dft's Objection to Plaintiff's Exhibit 3 and Motion to Strike, and Objection to Dfts Exhibit 7,8,9, 10 12 and Motion to Strike

02/18/2020 Certificate of Service
Filed by: Counter Defendant Colley, Cory Lawrence
[55] Certificate of Service

02/24/2020 Exhibits
Filed By: Counter Claimant Slader, Cheryl Ann
[56] Deft's Exhibit Appendix

02/24/2020 Exhibits
Filed By: Counter Claimant Slader, Cheryl Ann
[57] Deft's Exhibit Appendix

02/24/2020 Document Filed
Filed by: Counter Claimant Slader, Cheryl Ann
[58] Supplement To Opposition To Motion For Temporary Custody And Child Witness Interview and Affidavit In Support Thereof

02/24/2020 Exhibits
Filed By: Counter Claimant Slader, Cheryl Ann
[59] Deft's Exhibit Appendix

02/24/2020 Certificate of Service
Filed by: Counter Claimant Slader, Cheryl Ann
[60] Certificate of Service

02/25/2020 Exhibits
Filed By: Counter Defendant Colley, Cory Lawrence
[61] Exhibit Appendix

02/26/2020 Order
[62] Order Referring to Senior Judge Settlement Program

05/28/2020 Order
[63] Order Referring to Senior Judge Settlement Program

06/01/2020 Notice
Filed By: Counter Claimant Slader, Cheryl Ann
[64] Notice of Unbundled Appearance as Defendant's Counsel for Settlement Conference Only -Limited Appearance

06/01/2020 Order
[65] Order from April 28, 2020 Hearing

06/04/2020 Financial Disclosure Form
Filed by: Counter Claimant Slader, Cheryl Ann
[66] Current Financial Disclosure - Defendant

06/10/2020 Notice of Withdrawal
Filed by: Counter Claimant Slader, Cheryl Ann
[67] Notice of Withdrawal of Unbundled Counsel for Defendant

07/23/2020 Statement of Legal Aid Representation and Fee Waiver
Filed By: Counter Claimant Slader, Cheryl Ann
[68] Statement of Legal Aid Representation (Pursuant to NRS 12.015)

07/23/2020 Notice of Appearance
Party: Counter Claimant Slader, Cheryl Ann
[69] Notice of Appearance

08/21/2020

	Notice of Hearing *[70] Order Scheduling Pre Trial Conference*
10/06/2020	Motion to Withdraw As Counsel Filed By: Counter Claimant Slader, Cheryl Ann *[71] Motion to Withdraw as Counsel*
10/06/2020	Notice of Hearing *[72] Notice of Hearing*
10/06/2020	Ex Parte Application for Order Party: Counter Claimant Slader, Cheryl Ann *[73] Ex Parte Application for Order Shortening Time*
10/15/2020	Substitution of Attorney Filed By: Counter Claimant Slader, Cheryl Ann *[74] Substitution of Counsel*
10/16/2020	Certificate of Mailing Filed By: Counter Defendant Colley, Cory Lawrence *[75] (**Bundled**) Certificate of Service, Motion, Exhibit Apendix in Support of Motion, Updated FDF, Request for Documents,*
10/16/2020	Certificate of Service Filed by: Counter Defendant Colley, Cory Lawrence *[77] Certificate of Service*
10/16/2020	Request Filed By: Counter Defendant Colley, Cory Lawrence *[78] Request for Production of Documents*
10/16/2020	Financial Disclosure Form Filed by: Counter Defendant Colley, Cory Lawrence *[79] Financial Disclosure Form*
10/16/2020	Motion Filed By: Counter Defendant Colley, Cory Lawrence *[80] Plaintiff's Motion for Changing Exchange Time to 7:00 pm on Fridays and Requesting Primary Legal Custody of Jai Colley*
10/16/2020	Exhibits Filed By: Counter Defendant Colley, Cory Lawrence *[81] Exhibits*
10/20/2020	Notice of Hearing *[76] Notice of Hearing*
10/26/2020	Clerk's Notice of Nonconforming Document and Curative Action *[82] Notice of Nonconforming Document (Bundled All Together)*
10/27/2020	Order Setting Civil Non-Jury Trial *[83] Order Setting Civil Non-Jury Trial*
10/30/2020	Motion to Reconsider Filed by: Counter Claimant Slader, Cheryl Ann *[84] Motion for Reconsideration Pursuant to EDCR 2.24*
11/04/2020	Notice of Hearing *[85] noh*
11/19/2020	Notice of Non Opposition *[86] NOtice of Non-Opposition to Motion for REconsideration*
11/19/2020	Opposition

[87] opposition to motion for reconsideration

11/23/2020 Motion to Compel
Filed by: Counter Defendant Colley, Cory Lawrence
[88] Motion to Compel

11/23/2020 Opposition
[89] Defendant's Opposition to Motion for Changing Exchange Time to 7pm on Fridays and Requesting Primary Legal Custody of Jaie Colley and Countermotion for CHild to Resume Therapy

11/23/2020 Family Court Motion Opposition Fee Information Sheet
[90] MOFI

11/24/2020 Notice of Hearing
[91] Notice of hearing

11/24/2020 Opposition
Filed By: Counter Defendant Colley, Cory Lawrence
[92] Plaintiffs Opposition to defendants opposition

12/03/2020 Notice of Appearance
Party: Counter Defendant Colley, Cory Lawrence
[93] Notice of Appearance for Plaintiff Cory L. Colley

12/30/2020 Notice
Filed By: Counter Defendant Colley, Cory Lawrence
[94] Notice of Child Witness

01/04/2021 Administrative Reassignment to Department M
Judicial Reassignment - From Judge Denise Gentile To Judge Amy M. Mastin

01/13/2021 Motion
Filed By: Attorney Leavitt, Dennis Myron; Counter Defendant Colley, Cory Lawrence
[95] Plaintiff's Motion to Permit Child Testimony by Alternative Means

01/19/2021 Notice of Hearing
[96] Notice of Hearing

01/26/2021 Motion
Filed By: Attorney Leavitt, Dennis Myron; Counter Defendant Colley, Cory Lawrence
[97] Plaintiff's Motion to Continue the March 3, 2021 Evidentiary Hearing (First Request)

01/27/2021 Notice of Hearing
[98] Notice of Hearing

01/27/2021 Ex Parte Application for Order
Party: Counter Defendant Colley, Cory Lawrence
[99] Ex Parte Request for an Order Shortening Time on Plaintiff's Motion to Continue the March 3rd, 2021 Evidentiary Hearing

01/28/2021 Opposition
Filed By: Attorney Lizada, Angela J., ESQ; Counter Claimant Slader, Cheryl Ann
[100] Defendant's Opposition to Motion for Child Testimony by Alternative Means

01/28/2021 Family Court Motion Opposition Fee Information Sheet
[101] Family Court Motion Opposition Fee Information Sheet

01/28/2021 Order Shortening Time
[102] Order Shortening Time

01/28/2021 Notice of Entry of Order
Filed By: Counter Defendant Colley, Cory Lawrence
[103] Notice of Entry of Order Shortening Time

01/29/2021 Notice
[104] Notice of Audio/Visual Appearance

01/29/2021	Opposition Filed By: Attorney Lizada, Angela J., ESQ; Counter Claimant Slader, Cheryl Ann *[105] Defendant's Limited Opposition to Motion to Continued the March 3, 2021 Evidentiary Hearing*
01/29/2021	Family Court Motion Opposition Fee Information Sheet *[106] Family Court Motion Opposition Fee Information Sheet*
04/09/2021	Stipulation and Order *[107] Stipulation and Order to Reset Trial*
04/09/2021	Notice of Entry of Order Filed By: Counter Defendant Colley, Cory Lawrence *[108] Notice of Entry of Stipulation and Order*
05/11/2021	Order *[109] Order From February 23, 2021 Hearing*
05/11/2021	Order *[110] Order After November 25, 2020 Hearing*
05/12/2021	Notice of Entry of Order Filed By: Counter Defendant Colley, Cory Lawrence *[111] Notice of Entry of Order*
06/24/2021	Order *[112] Order from April 15, 2021 Hearing*
08/10/2021	Financial Disclosure Form Filed by: Counter Defendant Colley, Cory Lawrence *[113] Plaintiff's Financial Disclosure Form*
10/13/2021	Notice of Appearance Party: Counter Claimant Slader, Cheryl Ann *[114] Notice of Appearance*
10/14/2021	Substitution of Attorney Filed By: Counter Claimant Slader, Cheryl Ann *[115] Substitution of Attorney*
12/10/2021	Trial Management Order *[116] Trial Management Order*
01/27/2022	Substitution of Attorney Filed By: Counter Claimant Slader, Cheryl Ann *[117] Substitution of Attorneys*
01/28/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[118] Notice of Defendant/Counterclaimant's Initial Disclosures*
02/03/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[119] Notice of First Supplement to Defendant/Counterclaimant's Initial Disclosures*
02/03/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[120] Defendant/Counterclaimant's Witness List for the March 11, 2022 Custody Trial*
02/09/2022	Notice *[121] Notice of Second Supplement to Defendant/Counterclaimant's Initial Disclosures*
02/11/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[122] Notice of Intent to Serve Subpoenas Duces Tecum*

02/15/2022 Motion
Filed By: Counter Claimant Slader, Cheryl Ann
[123] Motion to Order Release of Full, Child Protective Services Records for In Camera Review, for Orders Clarifying Access to and Use of Confidential Custody Report at Custody Trial, and for Attorney's Fees and Costs

02/15/2022 Notice of Hearing
[124] Notice of Hearing

02/16/2022 Ex Parte Motion
Filed by: Counter Claimant Slader, Cheryl Ann
[125] Ex Parte Motion for an Order Shortening Time on Motion to Order Release of Full, Child Protective Services Records for in Camera Review, for Orders Clarifying Access to and Use of Confidential Custody Report at Custody Trial, and for Attorney s Fees and Costs Filed on February 15, 2022

02/17/2022 Order Shortening Time
[126] Order Shortening Time

02/17/2022 Objection
Filed By: Counter Defendant Colley, Cory Lawrence
[127] Notice of Objection to Issuance of Subpoenas Duces Tecum

02/17/2022 Objection
Filed By: Counter Defendant Colley, Cory Lawrence
[128] Notice of Objection to Authenticity and/or Genuineness

02/18/2022 Financial Disclosure Form
Filed by: Counter Claimant Slader, Cheryl Ann
[129] General Financial Disclosure Form - Cheryl Ann Slader

02/25/2022 Notice
Filed By: Counter Claimant Slader, Cheryl Ann
[130] Notice of Third Supplement to Defendant/Counterclaimant's Initial Disclosures

02/25/2022 Notice
Filed By: Counter Claimant Slader, Cheryl Ann
[131] Notice of Fourth Supplement to Defendant/Counterclaimant's Initial Disclosures

02/28/2022 Certificate of Mailing
Filed By: Counter Claimant Slader, Cheryl Ann
[132] Certificate of Electronic Transmission

03/01/2022 Receipt of Copy
Filed By: Counter Claimant Slader, Cheryl Ann
[133] Receipt of Copy

03/04/2022 Financial Disclosure Form
Filed by: Counter Defendant Colley, Cory Lawrence
[134] Plaintiff's Updated Financial Disclosure Form

03/07/2022 Financial Disclosure Form
Filed by: Counter Claimant Slader, Cheryl Ann
[135] Amended General Financial Disclosure Form - Cheryl Ann Slader

03/07/2022 Pre-trial Memorandum
Filed By: Counter Claimant Slader, Cheryl Ann
[136] Pretrial Memorandum (Custody)

03/07/2022 Pre-trial Memorandum
Filed By: Counter Defendant Colley, Cory Lawrence
[137] Plaintiff's Pretrial Memorandum

03/09/2022 Certificate of Mailing
Filed By: Counter Claimant Slader, Cheryl Ann
[138] Certificate of Electronic Transmission

03/09/2022	Receipt of Copy Filed By: Counter Claimant Slader, Cheryl Ann *[139] Receipt of Copy*
03/09/2022	Receipt of Copy Filed By: Counter Defendant Colley, Cory Lawrence *[140] Receipt of Copy*
03/10/2022	Motion to Quash *[141] Clark County's Motion to Quash Subpoena*
03/10/2022	Notice of Hearing *[142] Notice of Hearing*
03/24/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[143] Notice of Non-Opposition and Request for Amity C. Dorman, Esq. to Vacate Clark County's Motion to Quash Subpoena*
03/25/2022	Notice Filed By: Counter Claimant Slader, Cheryl Ann *[144] Notice of Submission of Exhibit "PP" to Chambers*
03/25/2022	Brief Filed By: Counter Claimant Slader, Cheryl Ann *[145] Defendant/Counterclaimant's Closing Brief*
03/25/2022	Supplement Filed by: Counter Claimant Slader, Cheryl Ann *[146] Submission of Appendix and Exhibit List for Exhibits Supporting Defendant/Counterclaimant's Closing Brief*
03/25/2022	Brief Filed By: Counter Defendant Colley, Cory Lawrence *[147] Plaintiff's Closing Argument*
04/01/2022	Order *[148] Order from 3.11.22 Trial*
04/01/2022	Order *[149] Order from 2.28.22 Hearing*
04/06/2022	Notice of Entry of Order Filed By: Counter Claimant Slader, Cheryl Ann *[150] Notice of Entry of Order*
04/06/2022	Notice of Entry of Order Filed By: Counter Claimant Slader, Cheryl Ann *[151] Notice of Entry of Order*
04/07/2022	Stipulation and Order *[152] Stipulation and Order to Vacate 4.25.22 Chambers Hearing*
04/07/2022	Notice of Entry of Stipulation and Order Filed by: Counter Claimant Slader, Cheryl Ann *[153] Notice of Entry of Stipulation and Order*
04/08/2022	Findings of Fact, Conclusions of Law and Judgment *[154] Findings of Fact, Conclusions of Law and Decree of Divorce*
04/13/2022	Estimate of Transcript *[155] March 11, 2022*
04/13/2022	Estimate of Transcript

[156] February 28, 2022

04/13/2022 Estimate of Transcript
[157] March 11, 2022

04/13/2022 Estimate of Transcript
[158] February 28, 2022

04/13/2022 Estimate of Transcript
[159] March 11, 2022

05/05/2022 Transcript of Proceedings
[160] March 11, 2022

05/05/2022 Transcript of Proceedings
[161] February 28, 2022

05/05/2022 Final Billing of Transcript
[162] February 28, 2022

05/05/2022 Final Billing of Transcript
[163] March 11, 2022

06/07/2022 Notice of Entry of Order
Filed By: Counter Claimant Slader, Cheryl Ann
[164] Notice of Entry of Findings of Fact, Conclusions of Law and Decree of Divorce

06/07/2022 Notice of Appeal
Filed By: Counter Claimant Slader, Cheryl Ann
[165] Notice of Appeal

06/07/2022 Case Appeal Statement
Filed By: Counter Claimant Slader, Cheryl Ann
[166] Case Appeal Statement

06/13/2022 Motion
Filed By: Counter Defendant Colley, Cory Lawrence
[168] Plaintiff's Motion for Attorney's Fees Pendente Lite (Pending Appeal)

06/13/2022 Exhibits
Filed By: Counter Defendant Colley, Cory Lawrence
[169] Appendix of Exhibits in Support of Plaintiff's Motion for Attorney's Fees Pendente Lite (Pending Appeal)

06/13/2022 Financial Disclosure Form
Filed by: Counter Defendant Colley, Cory Lawrence
[170] General Financial Disclosure Form

06/16/2022 Notice of Hearing
[171] Notice of Hearing

06/27/2022 Opposition and Countermotion
Filed By: Counter Claimant Slader, Cheryl Ann
[172] Opposition to Motion for Attorney's Fees Pendente Lite (Pending Appeal) and Countermotion for Attorney's Fees and Costs

07/15/2022 Reply
Filed By: Counter Defendant Colley, Cory Lawrence
[173] Reply In Support Motion For Attorneys Fees Pendente Lite (Pending Appeal) and Opposition to Countermotion For Attorneys Fees and Costs

07/15/2022 Exhibits
Filed By: Counter Defendant Colley, Cory Lawrence
[174] Appendix of Exhibits In Support Of Reply In Support Of Motion For Attorneys Fees Pendente Lite (Pending Appeal) and Opposition To Countermotion For Attorneys Fees and Costs

07/19/2022 Supplemental
Filed By: Counter Claimant Slader, Cheryl Ann
[175] Defendant's Supplement and Notice of Request to Strike Untimely Filed Reply or for Related Relief

07/22/2022 Order
[176] Order

08/25/2022 Estimate of Transcript
[177] March 11, 2022

09/12/2022 Transcript of Proceedings
[178] March 11, 2022

09/12/2022 Certification of Transcripts Notification of Completion
[179] March 11, 2022

10/07/2022 Estimate of Transcript
[180] October 21, 2020

10/07/2022 Estimate of Transcript
[181] February 23, 2021

10/07/2022 Estimate of Transcript
[182] April 15, 2021

10/07/2022 Motion
Filed By: Counter Defendant Colley, Cory Lawrence
[183] Motion to Withdraw as Counsel of Record for Plaintiff

10/07/2022 Estimate of Transcript
[187] November 18, 2021

10/07/2022 Estimate of Transcript
[188] October 14, 2021

10/07/2022 Estimate of Transcript
[189] August 10, 2021

10/07/2022 Estimate of Transcript
[190] May 18, 2021

10/07/2022 Estimate of Transcript
[191] February 23, 2021

10/07/2022 Estimate of Transcript
[192] October 21, 2020

10/10/2022 Estimate of Transcript
[184] March 11, 2022

10/10/2022 Estimate of Transcript
[185] February 28, 2022

10/10/2022 Estimate of Transcript
[186] December 09, 2021

10/14/2022 Clerk's Notice of Hearing
[193] Clerk's Notice of Hearing

10/24/2022 Request
Filed By: Counter Defendant Colley, Cory Lawrence
[194] REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFF

11/07/2022 Order to Withdraw as Attorney of Record

[195] Order for Withdrawal of Attorney for Plaintiff

11/07/2022 Notice of Entry of Order
Filed By: Counter Defendant Colley, Cory Lawrence
[196] Notice of Entry of Order for Withdrawal as Attorney of Record

02/03/2023 Notice of Hearing
[197] Notice of Hearing

02/07/2023 NV Supreme Court Clerks Certificate/Judgment - Dismissed
[198] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

02/08/2023 Notice of Rescheduling of Hearing
[199] Notice Of Rescheduling Of Hearing

02/13/2023 Administrative Reassignment to Department O
Pursuant to Administrative Order 23-01 - Reassigned to Judge Vacant, Dept. O

02/14/2023 Stricken Document
Filed by: Counter Defendant Colley, Cory Lawrence
*[200] ***STRICKEN PER MINUTE ORDER 4/11/23*** [200] response to ms vaccarino*

03/03/2023 Motion
Filed By: Counter Claimant Slader, Cheryl Ann
[201] Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over Any Proceedings, and for Related Relief

03/03/2023 Supplement
Filed by: Counter Claimant Slader, Cheryl Ann
[202] Submission of Appendix and Exhibit List for Exhibits Supporting Defendant/Counterclaimants Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over Any Proceedings, and for Related Relie

03/03/2023 Clerk's Notice of Hearing
[203] Clerk's Notice of Hearing

03/10/2023 Stricken Document
Filed by: Counter Defendant Colley, Cory Lawrence
*[204] ***STRICKEN PER MINUTE ORDER 4/11/23*** [204] Evidence for Hearing on 3-14-2023 and Relief*

03/17/2023 Opposition
Filed By: Counter Defendant Colley, Cory Lawrence
[205] Opposition to Defendant's Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over any Proceedings and for Related Relief

03/19/2023 Opposition
Filed By: Counter Defendant Colley, Cory Lawrence
[206] Opposition to Defendant's Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over any Proceedings and for Related Relief

03/24/2023 Reply
Filed By: Counter Claimant Slader, Cheryl Ann
[207] Defendant/Counterclaimant's Reply Brief

03/27/2023 Administrative Reassignment - Judicial Officer Change
Pursuant to Administrative Order 23-03 - Reassigned to Judge Regina M. McConnell

04/07/2023 Reply
Filed By: Counter Defendant Colley, Cory Lawrence
[208] Claimants Reply to Defendant's Reply Brief

04/17/2023 Scheduling Order
[209] Evidentiary Hearing Management Order

04/17/2023 Scheduling Order
[210] Non Jury Trial Management Order

05/04/2023 Order
[211] Order After April 11, 2023 Hearing

05/08/2023 Pre-trial Memorandum
Filed By: Counter Defendant Colley, Cory Lawrence
[212] Plaintiff pre-trial memorandum and fdf

05/09/2023 Pre-trial Memorandum
Filed By: Counter Claimant Slader, Cheryl Ann
[213] Pretrial Memorandum (Custody and Related Issues)

05/16/2023 Receipt of Copy
Filed By: Counter Claimant Slader, Cheryl Ann
[214] Receipt of Copy

06/01/2023 Motion
Filed By: Counter Claimant Slader, Cheryl Ann
[215] Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs

06/01/2023 Supplement
Filed by: Counter Claimant Slader, Cheryl Ann
[216] Submission of Appendix and Exhibit List for Exhibits Supporting Defendant/Counterclaimants Motion to Modify Custody, for Related Relief, and for Attorneys Fees and Costs

06/01/2023 Clerk's Notice of Hearing
[217] Clerk's Notice of Hearing

06/09/2023 Opposition to Motion
Filed by: Counter Defendant Colley, Cory Lawrence
[218] Opposition to Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs

06/16/2023 Reply
Filed By: Counter Claimant Slader, Cheryl Ann
[219] Defendant/Counterclaimant's Reply Brief

06/26/2023 Reply
Filed By: Counter Defendant Colley, Cory Lawrence
[220] reply to defendants reply brief

06/28/2023 Notice of Hearing
[221] Notice of Hearing Order to Show Cause

07/06/2023 Request
Filed By: Counter Defendant Colley, Cory Lawrence
[222] Discovery request for documents

07/12/2023 Order for Family Mediation Center Services
[223] Order for Family Mediation Center Services

07/14/2023 Scheduling Order
[224] Evidentiary Hearing Management Order

07/14/2023 Scheduling Order
[225] Non Jury Trial Management Order

07/14/2023 Order
[226] Order After June 1, 2023 Evidentiary Hearing

07/17/2023 Notice of Entry of Order
Filed By: Counter Claimant Slader, Cheryl Ann
[227] Notice of Entry of Order

07/19/2023 Witness List
Filed by: Counter Claimant Slader, Cheryl Ann

[228] Defendant/Counterclaimant's Witness List for the August 9, 2023 Custody Trial

07/20/2023 Notice
Filed By: Counter Claimant Slader, Cheryl Ann
[229] Notice of Submission of Three Counselors for the Court's Selection

07/20/2023 Reply
Filed By: Counter Defendant Colley, Cory Lawrence
[230] response to notice of submission

07/25/2023 Pre-trial Memorandum
Filed By: Counter Claimant Slader, Cheryl Ann
[231] Pretrial Memorandum (Custody and Related Issues)

07/25/2023 Pre-trial Memorandum
Filed By: Counter Defendant Colley, Cory Lawrence
[232] plaintiff pre-trial memo

07/26/2023 Order
[233] Order After Hearing on July 12, 2023

07/26/2023 Notice of Entry of Order
Filed By: Counter Claimant Slader, Cheryl Ann
[234] Notice of Entry of Order

08/07/2023 Certificate of Mailing
Filed By: Counter Claimant Slader, Cheryl Ann
[235] Certificate of Electronic Transmission

08/16/2023 Notice of Appeal
Filed By: Counter Claimant Slader, Cheryl Ann
[236] Notice of Appeal

08/16/2023 Case Appeal Statement
Filed By: Counter Claimant Slader, Cheryl Ann
[237] Case Appeal Statement

HEARINGS

08/12/2019 **Minute Order** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
COURT FINDS that Plaintiff filed a Motion for Alimony and related relief which is presently set for 8/16/2019 on chambers calendar. COURT FINDS that an Opposition and Countermotion was filed on 8/6/2019 and is set to be heard on 9/16/2019. COURT FINDS that the two hearings should be consolidated to 9/16/2019. In the interest of judicial economy, COURT ORDERS that the 8/16/2019 be re-set to 9/16/2019 at 9:00 a.m., to be heard in conjunction with the Opposition and Countermotion. CLERK S NOTE: On 8/12/19 a copy of the Court s Minute Order was placed in Defendant s Attorney s folder located in the Clerk s Office and a copy mailed to Plaintiff at his address of record. (mm);
Minute Order - No Hearing Held

09/16/2019 **Motion** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Plainitff's Motion for Alimony and Settlement of Marital Home and Credit Cards
08/16/2019 Reset by Court to 09/16/2019
Per 8/12/19 Minute Order
Off Calendar;
Off Calendar

09/16/2019 **Opposition & Countermotion** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Defendant's Opposition to Plaintiff's Motion for Alimony and Settlement of Marital Home and Credit Cards and Countermotion for Temporary Orders and Related Relief
Off Calendar;
Off Calendar

09/16/2019 **Case Management Conference** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Off Calendar;
Off Calendar

09/16/2019 **Hearing** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Pltf's Reply to Opposition and/or Countermotion
Off Calendar;
Off Calendar

09/16/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS... DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS AND COUNTERMOTION FOR TEMPORARY ORDERS AND RELATED RELIEF... PLAINTIFF'S REPLY TO OPPOSITION AND/OR COUNTERMOTION... CASE MANAGEMENT CONFERENCE Prior to the time set for hearing, COURT ORDERED this matter OFF CALENDAR. Court to file/serve a RE-NOTICE OF HEARING and notify each side of the new date/time.;
Matter Heard

10/04/2019 **Minute Order** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. EDCR 5.303 requires the parties to any contested child custody, access or visitation dispute to attend mandatory mediation through the Family Mediation Center (FMC). COURT FINDS Plaintiff filed a Motion for Alimony and Settlement of Marital Home and Credit Cards on July 18, 2019. COURT FINDS Defendant filed an Opposition and Countermotion on August 6, 2019. COURT FINDS Plaintiff filed a Reply on September 9, 2019. COURT FINDS the matter was initially scheduled to be heard on September 16, 2019, along with the Case Management Conference, but was subsequently taken off the Court s calendar. COURT FINDS Plaintiff filed a Re-Notice of his Motion, and it is currently set to be heard on October 31, 2019. COURT FINDS Plaintiff submitted a Request and Order for Mediation on September 25, 2019. COURT ORDERS the parties shall attend mediation through FMC. COURT ORDERS a FMC Return Hearing shall be SET for _____, 2019, at _____ a.m./p.m. COURT FURTHER ORDERS the Motion hearing on October 31, 2019, the pending Opposition and Reply, and the Case Management Conference shall be RESCHEDULED to the date of the FMC Return Hearing. The Parties should take notice of NRS 125C.0015 which gives parents joint legal and physical custody until otherwise ordered by the Court. Further, in making its custody determination, the Court shall consider which parent is more likely to foster the child s relationship with the other parent. CLERK S NOTE: On 10/4/19 a copy of the Court s Minute Order and Order for Family Mediation Center Services was placed in Plaintiff s Attorney s folder located in the Clerk s Office and a copy mailed to Defendant at his address of record. (mm);
Minute Order - No Hearing Held

10/07/2019 **Minute Order** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. EDCR 5.303 requires the parties to any contested child custody, access or visitation dispute to attend mandatory mediation through the Family Mediation Center (FMC). COURT FINDS Plaintiff filed a Motion for Alimony and Settlement of Marital Home and Credit Cards on July 18, 2019. COURT FINDS Defendant filed an Opposition and Countermotion on August 6, 2019. COURT FINDS Plaintiff filed a Reply on September 9, 2019. COURT FINDS the matter was initially scheduled to be heard on September 16, 2019, but was subsequently taken off the Court s calendar. COURT FINDS Plaintiff filed a Re-Notice of his Motion, and it is currently set to be heard on October 31, 2019. COURT FINDS Plaintiff submitted a Request and Order for Mediation on September 25, 2019. COURT ORDERS the parties shall attend mediation through FMC. COURT ORDERS a FMC Return Hearing shall be SET for December 3, 2019 at 9:30 a.m. COURT FURTHER ORDERS the Motion hearing on October 31, 2019, and the pending Opposition and Reply shall be RESCHEDULED to the date of the FMC Return Hearing. The Parties should take notice of NRS 125C.0015 which gives parents joint legal and physical custody until otherwise ordered by the Court. Further, in making its custody determination, the Court shall consider which parent is more likely to foster the child s relationship with the other parent. CLERK'S NOTE: The Minutes were AMENDED on 10/7/19 to reflect an updated HEARING DATE of 12/3/19 at 9:30 a.m. On 11/20/18 a copy of the Court s Minute Order and Order for Family Mediation Center Services was placed in Defendant's Attorney s folder located in the Clerk s Office and a copy mailed to Plaintiff at his address of record. (mm);
Minute Order - No Hearing Held

12/03/2019 **Motion** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Plaintiff's Re-Notice of Motion for Alimony and Settlement of Marital Home and Credit Cards
10/31/2019 Reset by Court to 12/10/2019

12/10/2019 Reset by Court to 12/03/2019
Per 10/4/19 Minute4 Order
Per 10/7/19 Minute Order
Matter Heard;
Matter Heard

12/03/2019 **Opposition & Countermotion** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Defendant's Opposition to Plaintiff's Motion for Alimony and Settlement of Marital Home and Credit Cards and Countermotion for Temporary Orders and Related Relief
12/10/2019 Reset by Court to 12/03/2019
Per 10/7/19 Minute Order
Matter Heard;
Matter Heard

12/03/2019 **Hearing** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Pltf's Reply to Opposition and/or Countermotion
12/10/2019 Reset by Court to 12/03/2019
Per 10/7/19 Minute Order
Matter Heard;
Matter Heard

12/03/2019 **Case Management Conference** (9:30 AM) (Judicial Officer: Gentile, Denise L)
12/10/2019 Reset by Court to 12/03/2019
Per 10/7/19 MO
Matter Continued;
Matter Continued

12/03/2019 **Return Hearing** (9:30 AM) (Judicial Officer: Gentile, Denise L)
FMC Mediation
Matter Heard;
Matter Heard

12/03/2019 **All Pending Motions** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS... DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS AND COUNTERMOTION FOR TEMPORARY ORDERS AND RELATED RELIEF... PLAINTIFF'S REPLY TO OPPOSITION AND/OR COUNTERMOTION.. RETURN HEARING: FMC MEDIATION... CASE MANAGEMENT CONFERENCE Parties SWORN and TESTIFIED. Statements by Plaintiff. Court NOTES, there is no objection to Defendant having exclusive possession of the marital residence so long as his community interest remains in tact. Discussion regarding house repairs needed, Defendant seeking pre-qualification and a possible refinance. Further discussion regarding what assets remain, the custodial schedule and each parties' respective work schedules. COURT ORDERED as follows: 1. Parties awarded TEMPORARY JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child. Parties to follow a WEEK ON / WEEK OFF schedule with exchanges taking place on Tuesdays drop-off to school (or 8:00 a.m. when school is not in session). Any exchanges not taking place at the child's school will take place at the Yoga studio utilizing the TEXT AND SEATBELT RULE. 2. Pursuant to STIPULATION, it is agreed that Defendant may take the child out of State for a prearranged vacation from 1/2/20 to 1/7/20 when the child is returned back to Plaintiff. 3. Pursuant to STIPULATION, the child will begin THERAPY. Court notes, it was represented the child is currently scheduled for an initial session on 12/9/19. 4. Each parent will be entitled to one telephone call a day when the child is in the care of the other parent. 5. Due to the similar income and earning capacities of the parties, there is NO CHILD SUPPORT set at this time. 6. Mutual Behavior Order FILED IN OPEN COURT and ISSUED to the Parties. 7. CASE MANAGEMENT CONFERENCE will be CONTINUED to 1/29/20 at 10:00 a.m.;
Matter Heard

01/29/2020 **Case Management Conference** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:

CASE MANAGEMENT CONFERENCE Matter heard concurrently with Case No. T-20-202987-T. Safenest Advocate, present with Defendant. Parties SWORN and TESTIFIED. Statements by Defendant regarding her Motion to Enforce and request for an Order Shortening Time and request to extend the Temporary Protection Order (TPO). Court NOTES, a hearing is currently set on 2/26/20 at 2:00 p.m. on the Motion for Temporary Custody and Visitation and Interview of Child. Court further NOTES a copy of the Motion for an Order to Enforce and Defendant's List of Exhibits was served to Plaintiff by the Court Marshal IN OPEN COURT.

Discussion regarding procedural history of the case, issues with financial claims and the parties responsibility to exchange all information that is to be used at trial in the matter. Further discussion regarding interim contact between Plaintiff and the child and exchange location. COURT ORDERED as follows: 1. The TEMPORARY PROTECTION ORDER is CONTINUED to 2/26/20 at 2:00 p.m. Interim Order SIGNED IN OPEN COURT and provided to each side. FEES WAIVED. 2. The ORDER SHORTENING TIME is GRANTED. Order SIGNED and FILED IN OPEN COURT and a filed copy was provided to each side. Defendant's Motion for an Order to Enforce and/or to Show Cause will be set on 2/26/20 at 2:00 p.m. to be heard with the current Motion. 3. In the interim, Plaintiff's week on / week off contact with the child is REINSTATED. Plaintiff will have the child from today (1/29/20) after school to Friday (1/31/20) morning, drop-off to school. Thereafter, Plaintiff's regular week on / week off schedule will resume with his first week starting 2/4/20. Any exchanges not occurring at the child's school on Tuesdays, will occur at the Starbucks located at 1772 S. Rainbow. 4. Parties shall utilize OUR FAMILY WIZARD to communicate regarding all issues involving the minor child, absent an emergency or a time sensitive issue. Order provided IN OPEN COURT.;
Matter Heard

02/26/2020 **Motion** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Motion and Notice of Motion for Temporary Custody Vistation and Inteview of Child Witness
Hearing Set;
Hearing Set

02/26/2020 **Motion** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt
03/04/2020 Reset by Court to 02/26/2020
Per 1/29/20 Minutes
Hearing Set;
Hearing Set

02/26/2020 **Opposition & Countermotion** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Defendant's Opposition to Motion for Orders for Temporary Custody,Visitation, and/or Child Support, and Countermotion and Countermotion
Hearing Set;
Hearing Set

02/26/2020 **Opposition** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Pltf's Opposition to Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt
Hearing Set;
Hearing Set

02/26/2020 **Motion** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Pltf's Response to Dft's Opposition to Motion for Temporary Custody, Visitation and Interview of Child Witness
Hearing Set;
Hearing Set

02/26/2020 **Motion** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Pltf's Response to Dft's Objection to Plaintiff's Exhibit 3 and Motion to Strike, and Objection to Dfts Exhibit 7,8,9, 10 12 and Motion to Strike
Hearing Set;
Hearing Set

02/26/2020 **All Pending Motions** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:

MOTION FOR TEMPORARY CUSTODY, VISITATION AND INTERVIEW OF CHILD WITNESS... DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT... DEFENDANT' OPPOSITION TO MOTION FOR ORDERS FOR TEMPORARY CUSTODY, VISITATION AND/OR CHILD SUPPORT AND COUNTERMOTION... PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT.. PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO MOTION FOR TEMPORARY CUSTODY, VISITATION AND INTERVIEW OF CHILD WITNESS... PLAINTIFF'S RESPONSE TO DEFENDANT'S OBJECTION TO EXHIBIT 3 AND MOTION TO STRIKE AND OBJECT TO DEFENDANT'S 7, 8, 9, 10 AND 12 AND MOTION TO STRIKE Matter heard concurrently with Case No. T-20-202987-T. Safe Nest Advocate present with Defendant. Upon inquiry, parties represented they are still currently following the week on / week off schedule. Statements by Plaintiff regarding his request for a child interview and statements by Defendant regarding her objection and desire to have a 3rd party psychologist interview the child instead. Discussion regarding the property and debt division and the possibility of settling through a third party mediator. COURT ORDERED as follows: 1. The Temporary Protection Order (T-20-202987-T) is CONTINUED to 3/31/20 at 1:30 p.m. The request for an EXTENSION may be considered at the Settlement Conference on 3/26/20; however, if it is not

resolved, the Court will consider it at the hearing on 3/31/20. Both parties are permitted to attend the child's performances and extracurricular activities. Communication through My Family Wizard is also permitted. All child exchanges will occur at the child's school or at the Starbucks. Interim Order FILED IN OPEN COURT. 2. SENIOR JUDGE SETTLEMENT CONFERENCE set on 3/26/20 at 1:30 p.m. Each Party shall submit a brief for the Senior Judge at least seven (7) days prior to the settlement conference, as well as file/serve an updated Financial Disclosure Form (FDF), if necessary, with courtesy copies delivered to the department drop box. Order referring to Senior Judge Settlement Program provided to the parties and FILED IN OPEN COURT. 3. Should the matter not settle, Plaintiff will select the names of three (3) child psychologists/therapists that can perform a taped child interview. Defendant will select from the names provided. Each side will be permitted to provide questions for the therapist. 4. The request for an ORDER TO SHOW CAUSE will be DEFERRED to trial. 5. Each parent is entitled to one (1) phone call a day while the child is in the care of the other parent. The call is to take place by the end of the day. 6. The child will continue to be covered through MEDICAID, so long as it is available. Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the child shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions. 7. Pursuant to STIPULATION , the parties will file their 2019 taxes separately and Defendant will claim the child.;
Matter Heard

03/26/2020 *CANCELED* **Settlement Conference** (1:30 PM) (Judicial Officer: Gentile, Denise L)
Vacated

04/28/2020 **Hearing** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
HEARING Matter heard concurrently with Case No. T-20-202987-T. Attorney Jullian Tindall, on behalf of Attorney Donn Prokopius, participated VIA TELEPHONICALLY for Defendant in an UNBUNDLED CAPACITY. Both parties participated VIA TELEPHONICALLY. Parties SWORN and TESTIFIED. Statements by Attorney Tindall regarding parental interference by Plaintiff and request for extension of the TPO until the parties are able to participate in a Settlement Conference. Statements by Defendant regarding recent incidents at the yoga studio, claims of parental alienation and ongoing violations of the current TPO. Discussion regarding possible service issues. Statements by Plaintiff regarding denial of claims by Defendant. Court NOTES, Plaintiff represented he was not served with the TPO because he went and picked it up. Discussion regarding Defendant's claims and concerns of the child's behavior and running away, the child attending therapy and ongoing orders related to family therapy. Court NOTES, it was represented that the Plaintiff's criminal case is set to be heard on 6/26/20. Defendant placed her email address on the record as follows: teachpeacenow2@gmail.com. COURT ORDERED as follows: 1. The Temporary Protection Order is CONTINUED to 7/7/20 at 11:00 a.m. All prior exceptions are to remain intact. In addition, parties may record all conversations. Interim Order FILED IN OPEN COURT and electronically provided to each side following the hearing. 2. The child will continue his regular weekly therapy with Katie. 3. The Defendant is to provide the names of three (3) therapists to begin FAMILY THERAPY by the end of the week through Our Family Wizard. Plaintiff will have until Wednesday (5/6/20) to select one of the three (3) options or Defendant may select on 5/7/20. All communication regarding this issue is to go through Talking Parents. The parties are to cooperate and participate in the therapy and following the recommendations of the therapist. 4. If there is an issue with the child running away, the authorities are to be contacted. 5. It is agreed that the parties will still participate in a Senior Judge Settlement Conference as soon as they are available. Court NOTES attorney Tindall requests to be contact for the Settlement Conference as well. Plaintiff is to prepare an Order from today's hearing and provide a draft to Defendant through Talking Parents. If the Order is inconsistent with the provisions placed on the record, the Court will correct and enter the order.;
Matter Heard

06/10/2020 **Settlement Conference** (9:00 AM) (Judicial Officer: Ames, Jack B.)
Rescheduled from 3/26/2020
Not Settled;
Journal Entry Details:
SR. JUDGE SETTLEMENT CONFERENCE Jillian Tindall, Esq., #7194, appeared telephonically in an unbundled capacity on behalf of Defendant. Both parties appeared telephonically. The parties negotiated but were unable to reach an agreement.;
Not Settled

10/21/2020 **Pre Trial Conference** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Non Jury Trial;

Journal Entry Details:
PRE-TRIAL CONFERENCE Both parties and Counsel participated via AUDIO VISUAL EQUIPMENT. Attorney Lizada represented that Plaintiff has been unwilling to discuss settlement and requests a trial setting ninety (90) days out. Statements by the Court as to the importance and need to participate in the discovery process. Court encouraged Plaintiff to discuss possible settlement with Attorney Lizada and to resend his prior settlement offers. Discussion regarding issues with the schedule, Plaintiff's Motion set for 12/02/20 and Defendant's request to specify the holidays. Court NOTES, since neither party is willing to negotiate as to the exchange time and holidays now, the Motion will be heard on the date assigned. COURT ORDERED as follows: 1. Pursuant to STIPULATION, the exchange time after school will be changed to 4:00 p.m. 2. Defendant will have the child for the child's Thanksgiving Break this year from Wednesday to Sunday. The parties will SPLIT the child's Christmas Break with the 1st half (including Christmas day) being designated as Plaintiff's this year and the second half will be designated to Defendant this year. 2. NON-JURY TRIAL set for 3/3/21 at 1:30 p.m. (half day). 3. Discovery will remain OPEN and will close thirty (30) days prior to trial. A TRIAL MANAGEMENT ORDER will be issued and provided to each side.;
Non Jury Trial

11/05/2020 **Minute Order** (8:00 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers. COURT FINDS Defendant's counsel, Rachel Tygret filed a Motion to Withdraw as Attorney of Record for Defendant on October 6, 2020, which is set for hearing on December 1, 2020, at 9:30 a.m. COURT FINDS that a Substitution of Counsel was filed on October 15, 2020 substituting Angela Lizada as counsel for Defendant in place of Rachel Tygret. COURT FINDS, as a result of the Substitution of Counsel, the Motion to Withdraw as Attorney of Record is rendered MOOT. Therefore, COURT ORDERS the Motion to Withdraw as Attorney of Record is DENIED as MOOT, and the hearing on December 1, 2020, at 9:30 a.m., is VACATED. CLERK'S NOTE: On 11/05/2020 a copy of the Court's Minute Order was provided to Plaintiff and to Defense's Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mt);
Minute Order - No Hearing Held

11/25/2020 **Minute Order** (7:30 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers. COURT FINDS that a Motion to Reconsider Mom s Thanksgiving holiday time was filed on 10/30/2020 and was set for December 1, 2020. COURT FINDS that an Opposition thereto was filed on 11/19/2020. COURT FINDS that Dad filed a Motion for Changing Exchange Times to 7 p.m. on Fridays; Mom filed her Opposition thereto. COURT FINDS that all of these are set for December 1, 2020 at 9:30 a.m. and December 2, 2020 at 2:30 p.m. COURT has reviewed and considered the Motions and Oppositions and hereby ORDERS the following: The Motion regarding Thanksgiving holiday travel is MOOT, as the travel was set to occur on Tuesday November 24, 2020; however, COURT FINDS that the Order for Thanksgiving vacation shall be herein clarified. The parent has the child on the day the child s school break starts, and ends the day before school starts. COURT FINDS that the school break isn t defined on a particular day . COURT FINDS that even given the fact that the Court said the break starts on Wednesday because the Court did not know school ended on Tuesday, this does not mean that Mom was not able to take the trip she had, because school actually ended on Tuesday. COURT FURTHER FINDS that this matter turned into a dispute and that the fact Dad made this trip difficult for Mom is disturbing to the Court and just demonstrates to this Court that these parties thrive on dissension and discord. For future reference, when a school break is being exercised, then it starts the day school lets out for the break, unless otherwise specfically defined by the Court. Accordingly, Mom s Motion for Reconsideration is MOOT, but this Court CLARIFIES for the parties in the future how to handle this situation. Dad is admonished not to continue to be an obstructionist or inflexible just for the sake of being inflexible. Same goes for Mom. The child is the one who suffers in these instances. The Motion filed by Dad regarding the exchange times and day, COURT ORDERS that this issue shall be part of the Court s trial on the parties divorce. The trial is set for 3/3/2021, at 1:30 p.m. COURT ORDERS that this issue shall be addressed by the Court if Dad makes his presentation to seek these exchange dates and times, at trial. At that time, the Court will make final orders on the issue of custody. The Court ORDERS the hearings on December 1 and December 2 are hereby VACATED. All remaining matters shall be heard at trial. COURT FINDS that in addition a Motion for Order to Compel was filed and is set on this Court s chamber s calendar on 1/15/2021, which is improperly filed on this Court s calendar, as it has to be set with the discovery commissioner, so this matter shall be VACATED, as it should be filed with the proper hearing master. Dad shall prepare the Order consistent with this Minute Order. CLERK S NOTE: On 11/25/20 a copy of the Court s Minute Order was provided to Defendant and to Plaintiff s Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm);

Minute Order - No Hearing Held

12/01/2020 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Defendant's Motion to Withdraw as Attorney of Record for Defendant

12/01/2020 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Motion for Reconsideration Pursuant to EDCR 2.24

12/02/2020 *CANCELED* **Motion** (2:30 PM) (Judicial Officer: Gentile, Denise L)
Vacated
Plaintiff's Motion for Changing Exchange Time to 7:00pm on Fridays Requesting Primary Legal Custody of Jai Colley

12/02/2020 *CANCELED* **Opposition** (2:30 PM) (Judicial Officer: Gentile, Denise L)
Vacated
Opposition to Motion for Reconsideration

12/02/2020 *CANCELED* **Opposition & Countermotion** (2:30 PM) (Judicial Officer: Gentile, Denise L)
Vacated
Deft's Opposition to Motion for Changing Exchange Time to 7:00PM on Fridays and Requesting Primary Legal Custody of Jai Colley and Countermotion for Child To Resume Theraphy

01/15/2021 *CANCELED* **Motion** (0:05 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Plaintiff's Motion for Order to Compel

02/03/2021 **Motion** (10:30 AM) (Judicial Officer: Mastin, Amy M.)
Plaintiff's Motion to Continue the March 3, 2021 Evidentiary Hearing (First Request)
03/03/2021 Reset by Court to 02/03/2021

MINUTES

Granted;
Journal Entry Details:
PLTFF'S MOTION TO CONTINUE THE MARCH 3, 2021 EVIDENTIARY HEARING (1ST REQUEST)...DEFENDANT'S LIMITED OPPOSITION TO PLTFF'S MOTION TO CONTINUE THE MARCH 3, 2021 EVIDENTIARY HEARING (1ST REQUEST) Plaintiff/Dad, Defendant/Mom, Mr. Leavitt, Ms. Lizada and The Honorable Judge Amy Mastin all present by video. The Court noted both motion and opposition are reasonable requests to the Court and is inclined to grant both. Discussion regarding the order for protection and for the order likewise be continued. Ms. Lizada requested the original terms of the order be reinstated and the communication for the parties to be via Talking Parents application only. COURT ORDERED the following: 1. Request to REVERT back to the original TPO order is GRANTED. Parties shall communicate regarding the child via TALKING PARENTS only.;
Granted

SCHEDULED HEARINGS

CANCELED **Evidentiary Hearing** (04/15/2021 at 9:00 AM) (Judicial Officer: Mastin, Amy M.)
Vacated
EVIDENTIARY HEARING: (HALF DAY-CUSTODY AND DIVORCE)

02/03/2021 **Opposition** (10:30 AM) (Judicial Officer: Mastin, Amy M.)
Defendant's Limited Opposition to Motion to Continued the March 3, 2021 Evidentiary Hearing
03/03/2021 Reset by Court to 02/03/2021

Matter Heard;
Matter Heard

02/23/2021 **Motion** (2:30 PM) (Judicial Officer: Mastin, Amy M.)
Plaintiff's Motion to Permit Child Testimony by Alternative Means

02/23/2021 **Opposition** (2:30 PM) (Judicial Officer: Mastin, Amy M.)
Defendant's Opposition to Motion for Child Testimony by Alternative Means

02/23/2021 **All Pending Motions** (2:30 PM) (Judicial Officer: Mastin, Amy M.)
Motion: Plaintiff's Motion to Permit Child Testimony by Alternative Means Opposition: Defendant's Opposition to Motion for Child Testimony by Alternative Means

MINUTES

Stayed;

Journal Entry Details:
MOTION: PLAINTIFF'S MOTION TO PERMIT CHILD TESTIMONY BY ALTERNATIVE MEANS OPPOSITION: DEFENDANT'S OPPOSITION TO MOTION FOR CHILD TESTIMONY BY ALTERNATIVE MEANS Due to Governor Sisolak's Stay Home for Nevada directive, all Parties appeared via BLUEJEANS. Discussion regarding child's testimony. Ms. Lizada stated the court get to decide the scope of participation by the minor child. Ms. Lizada further stated having the child as a witness is not appropriate. Ms. Lizado further stated previously the Plaintiff/Dad had the opportunity to a child interview a year ago. Ms. Lizada further stated the minor child has expressed he does not desire to participate in testimony. Ms. Lizada stated the minor child is being severely stressed due to the high conflict surrounding the divorce. Ms. Lizada further stated if the child interview is granted, she is not comfortable with the professional ethics of the child interview going through Family Mediation Center (FMC) and preference the current therapist Matt Stool to conduct the child interview. Mr. Leavitt stated we are not talking about a year ago with regard to the child interview. Mr. Leavitt further stated the Parties allow the minor child to make other decisions with regard to his life further proving his maturity and ability to participate in a child interview. Mr. Leavitt further stated he is fine with a referral to family Mediation Center for a Child Interview or the child's current therapist. Court stated it seems it would be more appropriate for the minor child to conduct a child interview with a person he is comfortable with that being his current therapist. Court further stated the questioning should be standard questions for a child interview. Colloquy regarding child interview. COURT NOTED, the child's current therapist is Matt Stool. COURT ORDERED, pursuant to NRS 50.580 there is a need for the child to testify by alternative means, therefore the Request for a CHILD INTERVIEW through ALTERNATE means is hereby GRANTED. COURT FURTHER ORDERED, the CHILD INTERVIEW shall be conducted preferably by Matt Stool, the questions should meet the standard questioning and should be in the format of a written report. COURT FURTHER ORDERED, the report shall EXCLUDE a therapeutic solution. The minor child shall be giving the option to state his preference of not wanting to talk about his custodial preference. COURT FURTHER ORDERED, each side shall identify three (3) questions that can be specifically presented to the minor child. The Evidentiary Hearing set for 4/15/2021 at 9:00 a.m. shall STAND. Attorney Lizada shall prepare the Order from today's hearing. CLERK'S NOTE: On 2/23/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr);
Stayed

04/15/2021 **Non-Jury Trial** (9:00 AM) (Judicial Officer: Mastin, Amy M.)
Re: custody/divorce (half day)
03/03/2021 Reset by Court to 03/03/2021
03/03/2021 Reset by Court to 04/15/2021

Set in error
Matter Continued;
Journal Entry Details:
Non-Jury Trial: Re: custody/divorce (half day) Minutes completed by courtroom Clerk Magdalena Castillo-Ramos. Attorney Frank Leavitt Nevada Bar Number 13907 present with Plaintiff. All parties present via VIDEO CONFERENCE through BlueJeans Application. Court noted a stipulation order to continue trial was filed since the child interview has not been completed. Mr. Leavitt requested the child interview be conducted by the Family Mediation Center. Ms. Lizada objected and requested an outsource provider to conduct the child interview. COURT ORDERED the Following; Counsel shall select an Outsource Provider, to conduct the child interview, within fourteen (14) days. Defendant shall bear the cost associated with the child interview; Should the parties be unable to agree on an outsource provider, the parties shall submit a stipulation and order for a referral to the Family Mediation Center; If neither, a selected outsource provider or a stipulation and order for a referral to the Family Mediation Center, is received, the matter shall proceed without a child interview; Ms. Lizada shall prepare the order; Matter set for a PRE TRIAL CONFERENCE on May 18, 2021 at 10:00 AM. ;
Matter Continued

04/15/2021 *CANCELED* **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Mastin, Amy M.)
Vacated
EVIDENTIARY HEARING: (HALF DAY-CUSTODY AND DIVORCE)

05/18/2021 **Pre Trial Conference** (10:00 AM) (Judicial Officer: Mastin, Amy M.)
05/18/2021, 08/10/2021, 10/14/2021, 11/18/2021, 12/09/2021
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Non Jury Trial;
Journal Entry Details:
PRE-TRIAL CONFERENCE All parties present via VIDEO CONFERENCE through the Bluejeans application. Court noted counsel has had a chance to review Dr. Mullins' report. Court advised inclined to set the matter for trial. Mr. Toti represented there are proposals of settlement, in rotation, and depending on the outcome the

parties may be able to resolve the matter without going to trial. Mr. Leavitt agreed and stated, depending on the changes requested to the proposal, the matter may settle. Discussion regarding Dr. Mullins' child interview report and having her testify as an expert witness at trial. Mr. Toti stated concerns with the report being admitted into evidence when it was not to be disseminated entirely to the parties. Court advised Dr. Mullins would need to be present to testify as to the report. COURT ORDERED the matter set for a NON-JURY TRIAL on March 11, 2022 at 1:30 PM. Department M shall prepare and issue a Trial Management Order.;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Non Jury Trial;
Journal Entry Details:
PRE-TRIAL CONFERENCE All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case. Court noted counsel has not reviewed the report from Dr. Mullins. Court further noted Dr. Mullins requested the report not be entirely reviewed with the parties. Upon inquiry, Mr. Leavitt stated the parties should be able to resolve the financial issues. Mr. Leavitt advised custody is the main issue at hand. Mr. Toti confirmed the financials should be able to be resolved. Discussion regarding Dr. Mullins' report. Court noted minor has a preference as to spending more time with Plaintiff. Court advised inclined to continue today's hearing to allow counsel to review the report. Court advised counsel to respect minor's wishes and not share the entire report with the parties. COURT ORDERED the matter shall be CONTINUED to December 9, 2021 at 9:00 AM.;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Non Jury Trial;
Journal Entry Details:
PRE-TRIAL CONFERENCE Minutes completed by Courtroom Clerk Kendall Williams, through JAVS. Attorney Frank Toti, Nevada Bar No. 5804, present with Defendant. All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case. Court noted custody still at issue. Mr. Leavitt advised the parties are still trying to get minor in for the interview. Mr. Toti advised minor has an appointment on October 25, 2021 and November 1, 2021. Court advised inclined to continue the matter. Mr. Toti requested the court address any upcoming holidays. Mr. Toti requested the holiday schedule be swapped from last year. Mr. Leavitt advised should be able to work out the holidays amongst themselves. COURT ORDERED the matter shall be CONTINUED to November 18, 2021 at 8:30 AM.;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Non Jury Trial;
Journal Entry Details:
PRE-TRIAL CONFERENCE All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case. Discussion regarding Dr. Mullins. Upon inquiry, counsel advised they will need additional time from Dr. Mullins to process the submitted documentation and schedule an appointment with minor. Ms. Lizada advised the process should proceed fairly quickly now. Ms. Lizada stated Defendant's concerns with Plaintiff violating the joint legal custody provisions and requested Plaintiff be admonished for doing so. Court admonished both parties as to joint legal custody and advised of the expectations the court has for the parties to co-parent. COURT ORDERED the matter shall be CONTINUED to October 14, 2021 at 1:30 PM.;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Non Jury Trial;
Journal Entry Details:
PRE-TRIAL CONFERENCE All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case. Counsel represented the parties have selected Bree Mullins to conduct the child interview and Ms. Mullins is going to need time to do so. Ms. Lizada advised they have submitted the questions, for the child interview, to the court. COURT ORDERED the matter shall be CONTINUED until August 10, 2021 at 1:30 PM.;
Matter Continued

02/28/2022 **Motion** (8:30 AM) (Judicial Officer: Mastin, Amy M.)
Motion to Order Release of Full, Child Protective Services Records for In Camera Review, for Orders Clarifying Access to and Use of Confidential Custody Report at Custody Trial, and for Attorney's Fees and Costs

	03/22/2022 Reset by Court to Matter Heard; Journal Entry Details: *MOTION: MOTION TO ORDER RELEASE OF FULL, CHILD PROTECTIVE SERVICES RECORDS FOR IN CAMERA REVIEW, FOR ORDERS CLARIFYING ACCESS TO AND USE OF CONFIDENTIAL CUSTODY REPORT AT CUSTODY TRIAL, AND FOR ATTORNEY'S FEES AND COSTS All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case. Court noted the parties stipulated to the minor child being interviewed by Dr. Mullins as opposed to him being called as a witness or interviewed by the Family Mediation Center. Court noted the minor child specifically refused to state a custodial preference in the report from Dr. Mullins. Arguments by counsel regarding receiving testimony from the minor child. Court noted Dr. Mullins could be called as a witness. Court advised the report should be enough and it would be unfortunate if the minor child would have to be called to testify. Further arguments by counsel regarding the Child Protective Services report and obtaining an unredacted version. Ms. Vaccarino stated concerns with the minor child having given different statements to various agencies. Further discussion regarding remaining issues, including witness disclosures. COURT ORDERED the following; Plaintiff and Defendant shall be allowed to review the report from Dr. Mullins; The minor child may be produced as a witness at the time of trial; Ms. Vaccarino shall provide Mr. Leavitt with a copy of the Child Protective Services report; Dr. Mullins may be called as a witness at the time of trial; Attorney's fees shall be DENIED;;* *Matter Heard*
03/11/2022	**Non-Jury Trial** (1:30 PM) (Judicial Officer: Mastin, Amy M.) Decision Made; re: Custody Journal Entry Details: *NON-JURY TRIAL HOUSEKEEPING. Discussion regarding stipulated exhibits and discovery deadlines. OPENING STATEMENTS. Witnesses SWORN and TESTIFIED. Exhibits presented and admitted. (See worksheets). Discussion regarding setting further proceedings. COURT ORDERED the following; Ms. Vaccarino shall prepare an Order re: the Release of CPS records to counsel; Clark County's Motion to Quash Subpoena, set on April 25, 2022, shall be VACATED as MOOT. District Attorney's Office is no longer required to appear; Counsel shall submit CLOSING BRIEFS by 5:00 PM on March 25, 2022. Briefs shall be LIMITED to fifteen (15) pages; Court shall issue a DECISION by April 8, 2022 which shall include a future hearing regarding financials.;* *Decision Made*
04/25/2022	*CANCELED* **Motion** (7:00 AM) (Judicial Officer: Mastin, Amy M.) *Vacated - per Stipulation and Order* *Clark County's Motion to Quash Subpoena*
06/09/2022	**Pre Trial Conference** (11:00 AM) (Judicial Officer: Mastin, Amy M.) Off Calendar; Journal Entry Details: *PRE-TRIAL CONFERENCE All parties present via VIDEO CONFERENCE through the Bluejeans application. Court reviewed the case and noted the matter has been appealed. Court noted the remaining issues are financial, and the appeal has to do with the custody aspect, but depending on the decision of the appeal the matter may have to start over anyway. Court advised inclined to take the matter off calendar pending the decision from the appellate court. COURT ORDERED matter taken OFF CALENDAR.;* *Off Calendar*
07/22/2022	*CANCELED* **Motion** (10:30 AM) (Judicial Officer: Mastin, Amy M.) *Vacated - per Order* *Plaintiff's Motion for Attorney's Fees Pendente Lite (Pending Appeal)*
07/22/2022	*CANCELED* **Opposition** (10:30 AM) (Judicial Officer: Mastin, Amy M.) *Vacated - per Order* *Opposition to Motion for Attorney's Fees Pendente Lite (Pending Appeal) and Countermotion for Attorney's Fees and Costs*
11/08/2022	**Minute Order** (8:00 AM) (Judicial Officer: Mastin, Amy M.) Minute Order - No Hearing Held; Journal Entry Details: *MINUTE ORDER - NO HEARING HELD NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 5.702 the Court may issue a decision on a motion as it deems appropriate. COURT FINDS on October 7, 2022, Attorney Frank Leavitt filed a Motion to Withdraw as Counsel of Record for Plaintiff, which was set in chambers for a decision without a hearing on December 5, 2022. COURT FURTHER FINDS on October 24, 2022, a Request for Submission of Motion to Withdraw as Counsel of Record for Plaintiff was filed. COURT FURTHER FINDS on November 7, 2022, an Order granting Attorney Leavitt s Motion to Withdrawal was filed. As the Motion to Withdraw as Counsel of Record for Plaintiff is now moot, COURT ORDERS the December 5, 2022*

hearing is VACATED. A copy of the Court s minute order shall be provided to Plaintiff, Defendant s Attorney, and Attorney Leavitt via email, if an email address is on record with the Court; if no email address is available then the Minute Order shall be mailed to the physical address of record. (ap) ;
Minute Order - No Hearing Held

12/05/2022 *CANCELED* **Motion** (7:00 AM) (Judicial Officer: Mastin, Amy M.)
Vacated
Motion to Withdraw as Counsel of Record for Plaintiff

03/14/2023 **Pre Trial Conference** (8:30 AM) (Judicial Officer: McConnell, Regina M.)
03/14/2023, 04/11/2023
03/14/2023 Reset by Court to 03/14/2023
03/30/2023 Reset by Court to 03/14/2023

Matter Continued;
Evidentiary Hearing; See All Pending Journal Entry on 04/11/23.

Matter Continued;
Evidentiary Hearing; See All Pending Journal Entry on 04/11/23.
Journal Entry Details:
PRE TRIAL CONFERENCE All parties present via VIDEO CONFERENCE. Discussion regarding setting the next proceedings. Ms. Vaccarino stated concerns with the Judicial Officer hearing the matter. The court advised it has a duty to finish the trial. Ms. Vaccarino objected to participating in today's hearing. Court noted the motion set to be heard on April 11, 2023 in department O. Plaintiff stated he would need a couple of months to fully prepare for trial on the financials. Ms. Vaccarino advised she is not prepared to go to trial on the financials as the custodial issues have not been fully resolved. COURT ORDERED the following; Plaintiff's RESPONSE filed on February 14, 2023 shall be STRICKEN as it contains settlement negotiations; Plaintiff's EXHIBITS filed on March 10, 2023 shall be STRICKEN as it contains settlement negotiations; Matter CONTINUED to April 11, 2023 at 10:00 AM.;
Matter Continued

04/11/2023 **Motion** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over Any Proceedings, and for Related Relief
Granted; See All Pending Journal Entry on 04/11/23.
Granted

04/11/2023 **Opposition** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Opposition to Defendant's Motion to Confirm Department Assignment to Department O, Prohibiting Judge Mastin from Presiding over any Proceedings and for Related Relief
Evidentiary Hearing; See All Pending Journal Entry on 04/11/23.
Evidentiary Hearing

04/11/2023 **All Pending Motions** (10:00 AM) (Judicial Officer: McConnell, Regina M.)

MINUTES
Matter Heard;
Journal Entry Details:

MOTION TO CONFIRM DEPARTMENT ASSIGNMENT TO DEPARTMENT O, PROHIBITING JUDGE MASTIN FROM PRESIDING OVER ANY PROCEEDINGS, AND FOR RELATED RELIEF ... PRE TRIAL CONFERENCE ... OPPOSITION TO DEFENDANT'S MOTION TO CONFIRM DEPARTMENT ASSIGNMENT TO DEPARTMENT O, PROHIBITING JUDGE MASTIN FROM PRESIDING OVER ANY PROCEEDINGS AND FOR RELATED RELIEF All parties present via VIDEO CONFERENCE through the BlueJeans application. Court noted the extensive history of the case. Court further noted the pleadings and papers on file. Discussion regarding the Divorce, prior Orders, division of assets and debts, and outstanding issues. Court and Attorney Vaccarino also discussed the department reassignment. Court further noted its receipt of the prior Findings of Fact and Conclusions of Law and Decree of Divorce. Court further noted the request for attorney's fees and costs were deferred to the bifurcated property and debt proceedings. Upon inquiry, Attorney Vaccarino confirmed that there still needs to be a resolution on custody as it pertains to holidays and summer. Plaintiff made inquiries as to a global resolution of all issues. Court further noted custody is supposed to be determined within six (6) months of filing the Complaint. Attorney Vaccarino requested an evidentiary hearing be set or a standard holiday schedule be ordered. Attorney Vaccarino described the possibility of a change in circumstances that warrant modifications. Court reiterated custody needs to be resolved. Upon inquiry, Attorney Vaccarino further confirmed that a trial is also needed as to the division of assets and debts. Court further noted the parties share joint legal custody of the child with Plaintiff having primary physical custody and Defendant having visitation. Further discussion regarding setting the matter for future proceedings, procedural issues, the remaining disputes concerning custody, the prior waiver of alimony, future Motions to be filed, Financial Disclosure Forms (FDF), and stricken pleadings. COURT ORDERED, as follows: Defendant's MOTION to CONFIRM DEPARTMENT

ASSIGNMENT to DEPARTMENT O is MOOT; Matter is SET for an EVIDENTIARY HEARING on June 1, 2023 at 1:30 PM (1/2 day) regarding HOLIDAYS and SUMMER and the CALENDAR CALL is SET on May 16, 2023 at 11:00 AM. Department O shall prepare and issue a Trial Management Order; Matter is also SET for a NON-JURY TRIAL on August 9, 2023 at 1:30 PM (1/2 day) regarding the DIVISION OF ASSETS AND DEBTS and the CALENDAR CALL is SET on August 1, 2023 at 11:00 AM. Department O shall prepare and issue a Trial Management Order; Plaintiff's RESPONSE filed on February 14, 2023 [Docket No. 200] and Plaintiff's EXHIBITS filed on March 10, 2023 [Docket No. 204] shall be STRICKEN from the record; Attorney Vaccarino shall prepare and submit the Order from today's hearing to Department O.;
Matter Heard

05/16/2023

Calendar Call (11:00 AM) (Judicial Officer: McConnell, Regina M.)
Confirmed; Evidentiary Hearing confirmed
Journal Entry Details:
CALENDAR CALL All parties appeared by video conference. On the Court's inquiry, Attorney Vaccarino and Plaintiff confirmed they are prepared for trial on the custody issues. Attorney Vaccarino advised, there has been a change of circumstances and intends to file a motion. Presently, only holidays and vacation is before the Court. On Attorney Vaccarino's statement she may seek an Order Shortening Time to have those issues addressed at the upcoming trial, the Court informed such may be filed and the Court will consider it then. Regarding having the child testify at trial, the Court noted, the child has been interviewed and the Court is not inclined to have him called as a witness on the pending issues of holidays/vacation. WHEREFORE, THE COURT ORDERED: Trial on custody issues shall remain as scheduled on June 1, 2023 at 1:30 p.m. The Minutes shall stand as the Order of the Court.;
Confirmed

06/01/2023

Evidentiary Hearing (1:30 PM) (Judicial Officer: McConnell, Regina M.)
re: Custody and Related Issues (1/2 day)

MINUTES
Decision Made;
Journal Entry Details:

EVIDENTIARY HEARING: RE: CUSTODY AND RELATED ISSUES (1/2 DAY) All parties were present IN PERSON. COURT NOTED there was already an evidentiary hearing regarding custody and that a divorce was granted. COURT FURTHER NOTED today is only on holidays and regarding joint legal custody language. Colloquy regarding stipulating to Exhibits. Parties were sworn and testified. Opening statements presented by Plaintiff and Attorney Vaccarino. Sworn testimony by Parties. Exhibits offered and admitted (See exhibit worksheets). Matter recessed. Matter reconvened Closing arguments presented by Plaintiff and Attorney Vaccarino. THE COURT FOUND that Defendant's testimony was credible with regards to Mothers day. COURT NOTED there was no Fathers Day proposed in Plaintiffs proposal which does corroborate Defendant's testimony. Court inquired with Parties on clarification regarding summer. Attorney Vaccarino suggested week on week off and that the vacation time be honored as agreed upon by the Parties. COURT NOTED the Clark County School's schedule did change to make Easter not associated with spring break. THE COURT FINDS that based on Defendant's request for Christmas, Defendant can have until December 29th and Plaintiff will have the remainder of the break. Colloquy regarding changing the exchange day during the summer to Thursday at 6:00 p.m. Colloquy regarding the minor child's insurance and the Minor Child receiving therapy. Parties STIPULATED to the following: 1. The Parties will CONTINUE to EXCHANGE the Minor Child at the DOWNTOWN Arts Factory located at 107 E Charleston Blvd, Las Vegas, NV 89104. 2. For the SUMMER SCHEDULE only, the EXCHANGE of the Minor Child will be on Thursdays at 6:00 p.m until Monday at 5:30 p.m. The EXCHANGES will be at the Arts Factory located at 107 E Charleston Blvd, Las Vegas, NV 89104. 3. Plaintiff will PROVIDE the Minor Child's Insurance Information and the Provider List to Defendant through Our Family Wizard. COURT SO ORDERED. COURT FURTHER ORDERED the following: 1. The Order from the Joint Legal Custody shall be INCORPORATED with the Order from today's; 6/1/2023 Order. 2. THANKSGIVING BREAK shall BEGIN at, at school PICK UP and will CONTINUE until at school DROP OFF. Defendant shall get EVEN years and Plaintiff shall get ODD years. 3. WINTER BREAK shall BEGIN at, at school PICK UP until December 29th at 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years. 4. SPRING BREAK shall BEGIN at, at school PICK UP and will CONTINUE until at school DROP OFF; Plaintiff shall get EVEN years and Defendant shall get ODD YEARS. 5. EASTER shall BEGIN on Saturday at 8pm to Monday at school DROP OFF or at 10:00 a.m. Plaintiff shall get ODD years and Defendant shall get EVEN YEARS. 6. HALLOWEEN shall BEGIN October 31st at, at school PICK UP or at 3:00 p.m. until the next day at school DROP OFF or at 10:00 a.m. Defendant shall have Odd years and Plaintiff will have EVEN years. 7. 4th OF July shall BEGIN on July 3rd at 5:00 p.m. until July 5th at 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years. 8. MEMORIAL DAY shall BEGIN the Friday before the holiday at, at school pick up or at 4:00 p.m. until the following Tuesday at school DROP OFF or 10:00 a.m. Plaintiff shall get ODD years and Defendant shall get EVEN years. 9. LABOR DAY shall BEGIN the Friday before the holiday at, at school pick up or at 4:00 p.m. until the following Tuesday at school DROP OFF or 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years. 10. VETERANS DAY shall begin at 10:00 am the day of the holiday until the next day at 10:00 a.m. Plaintiff shall have Veterans Day EACH year. 11. MOTHERS DAY and

FATHERS DAY shall begin on Saturday at 8:00 p.m. to Monday at 10:00 p.m. Plaintiff shall get Fathers Day EACH year and Defendant shall get Mothers Day EACH year. 12. The Minor Child's BIRTHDAY; June 28th, shall be Celebrated from June 28th at 10:00 a.m. to 10:00 a.m. June 29th. Defendant shall get ODD years and Plaintiff shall get EVEN years. 13. On Defendant's BIRTHDAY; October 26th, Defendant shall get the Minor Child at school PICKUP or at 10:00 a.m. until at school DROP OFF or 10:00 a.m the next day. 14. On Plaintiff's BIRTHDAY; September 22nd, Plaintiff shall get the Minor Child at school PICKUP or at 10:00 a.m. until at school DROP OFF or 10:00 a.m. the next day. 15. PRESIDENTS DAY; Defendant shall get EVEN years and Plaintiff shall get ODD years. Presidents Day shall begin once the minor child is out of school to at school DROP OFF. 16. MARTIN LUTHER KING day shall BEGIN at, at school PICK UP on Friday until at school DROP OFF on Tuesday. Defendant shall get ODD years and Plaintiff shall get EVEN years. 17. PRESIDENTS DAY shall BEGIN at, at school PICK UP on Friday until at school DROP OFF on Tuesday. Defendant shall get EVEN years and Plaintiff shall get ODD years. 18. NEVADA ADMISSION DAY shall begin at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Defendant shall have Nevada Day EACH year. 19. For SUMMER, Defendant shall have the Minor Child from June 12th through the 16th which will then CARRY into Defendant's scheduled time. For NEXT SUMMER; 2024, the Parties shall follow a WEEK ON WEEK OFF schedule. For Summer of 2024, Plaintiff shall have the MINOR CHILD for the 1st week when school lets out on the 20th and Defendant shall have the Minor Child for Memorial Day weekend and it will CONTINUE until June 2nd with the exchanges on Sundays. 20. Defendant shall PROVIDE the names of three (3) COUNSELORS to Plaintiff within ten (10) day from 6/1/2023 and Plaintiff will have 10 days once he receives the names to CHOOSE one (1). The Parties shall ABIDE by the counselors RECOMMENDATIONS. If the Parties do not AGREE on one (1), the three (3) names shall be SUBMITTED to the Court. Attorney Vaccarino shall Prepare the Order.;
Decision Made

07/12/2023 **Motion** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs
Evidentiary Hearing; See 07/12/2023 All Pending Motions - LV
Evidentiary Hearing

07/12/2023 **Opposition** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Plaintiff's Opposition to Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs
Evidentiary Hearing; See 07/12/2023 All Pending Motions - LV
Evidentiary Hearing

07/12/2023 **Hearing** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Defendant/Counterclaimant's Reply Brief
Matter Heard; See 07/12/2023 All Pending Motions - LV
Matter Heard

07/12/2023 **Order to Show Cause** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
re: Non Submission of Order from June 1, 2023 Evidentiary Hearing
07/12/2023 Reset by Court to 07/12/2023

MINUTES
Matter Heard; See 07/12/2023 All Pending Motions - LV
Matter Heard

07/12/2023 **All Pending Motions** (10:00 AM) (Judicial Officer: McConnell, Regina M.)
Order to Show Cause re: Non Submission of Order from June 1, 2023 Evidentiary Hearing Hearing re: Defendant/Counterclaimant's Reply Brief Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs Plaintiff's Opposition to Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs

MINUTES
Matter Heard;
Journal Entry Details:

ORDER TO SHOW CAUSE RE: NON SUBMISSION OF ORDER FROM JUNE 1, 2023 EVIDENTIARY HEARING HEARING RE: DEFENDANT/COUNTERCLAIMANT'S REPLY BRIEF DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELATED RELIEF, AND FOR ATTORNEY'S FEES AND COSTS PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELATED RELIEF, AND FOR ATTORNEY'S FEES AND COSTS The matter was heard via VIDEO CONFERENCE through the BlueJeans application. Discussion regarding the pending order from the June 1, 2023, Evidentiary Hearing. Upon the Court's inquiry, Plaintiff stated he would address the pending order before July 14th, 2023. Attorney Vaccarino stated the Defendant is seeking modification of the time share in the Divorce Decree and is not seeking to modify the most recent order regarding holiday visitation. Upon the Court's inquiry, Attorney Vaccarino stated the Supreme Court indicated that the holiday issue was to be resolved before the pending appellate issues could be addressed. COURT NOTED the Petition indicates Plaintiff's basis for modification is the minor child's poor

grades. Court further NOTED the Opposition requests a child interview and additionally raised concerns regarding domestic violence. Attorney Vaccarino requested an evidentiary hearing be set today to address the modification. Attorney Vaccarino further stated the parties should be able to reach a resolution regarding the remaining financial issues. Discussion regarding the child interview and counseling for the minor child. Attorney Vaccarino stated a child interview would be harmful for the minor child and harmful to the delayed therapeutic process. Plaintiff stated the minor child would be more than willing to attend the child interview to ensure his position is heard. COURT NOTED parties are not to discuss the matter with the minor child. COURT stated its FINDINGS and ORDERED the following: 1. Parties are referred to Family Mediation Center (FMC) for CHILD INTERVIEW. Order for Family Mediation Services to be prepared the Court. 2. Calendar Call shall be SET for August 1st, 2023, at 11:00 a.m. 3. Evidentiary Hearing re: Modification of Custody shall be SET for August 9th, 2023 at 1:30 p.m. 4. Non-Jury Trial re: Divorce and Related Issues shall be RESCHEDULED for January 4th, 2024 at 1:30 p.m. Attorney Vacarrino to prepare the order from today's hearing. CLERK'S NOTE: Minutes were prepared by Courtroom Clerk: Leo Varona/LV.;
Matter Heard

08/01/2023 **Calendar Call** (11:00 AM) (Judicial Officer: McConnell, Regina M.)
Evidentiary Hearing;
Journal Entry Details:
CALENDAR CALL All parties were present via VIDEO CONFERENCE through the BLUEJEANS application. Court called the case. COURT TRAILED the matter due to Attorney Vaccarino experiencing technical difficulties with BLUEJEANS. MATTER RECALLED with all parties present. Court noted the child interview. Court summarized today's proceedings. Court further noted it will consider the child's wishes moving forward as to the modification of custody. Attorney Vaccarino commented that Defendant has not reviewed the interview per the child's request. Discussion regarding preliminary agreements, communication between the parties, the child's counseling, Defendant's visitation, co-parenting, the child's schooling, and trial readiness. COURT ORDERED, as follows: Pursuant to STIPULATION, the EVIDENTIARY HEARING is RESET to August 16, 2023 at 1:30 PM; and The NON-JURY TRIAL currently SET on January 4, 2024 at 1:30 PM shall STAND. OFF THE RECORD. COURT FURTHER ORDERED, no ORDER shall be necessary from today's hearing. MINUTES SUFFICE.;
Evidentiary Hearing

08/16/2023 **Evidentiary Hearing** (1:30 PM) (Judicial Officer: McConnell, Regina M.)
08/16/2023, 09/08/2023
re: Modification of Custody (1/2 day)
08/09/2023 Reset by Court to 08/16/2023
See minutes on 08/01/23.
Matter Continued;
Matter Continued

09/08/2023 **Child Interview** (2:30 PM) (Judicial Officer: McConnell, Regina M.)

01/04/2024 **Non-Jury Trial** (1:30 PM) (Judicial Officer: McConnell, Regina M.)
re: Financials Only (1/2 Day)

SERVICE

05/30/2019 **Summons**
Slader, Cheryl Ann
Served: 07/03/2019

Electronically Filed
07/14/2023 4:25 PM
CLERK OF THE COURT

ORDR

PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
VACCARINO LAW OFFICE
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant.
CHERYL ANN SLADER

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: O DATE OF EVIDENTIARY HEARING: June 1, 2023 TIME OF EVIDENTIARY HEARING: 1:30 p.m.

ORDER

THIS MATTER having come before this Court on the 1st day of June, 2023 for an Evidentiary Hearing upon custody timeshare and related issues; Plaintiff/Counterdefendant, CORY LAWRENCE COLLEY, ("Plaintiff"), appearing in proper person and in person; Defendant/Counterclaimant, CHERYL ANN SLADER, ("Defendant"), appearing in person and through her counsel, PATRICIA L. VACCARINO, ESQ., of the VACCARINO LAW OFFICE, also appearing in person.

The Court having heard colloquy regarding stipulating to Exhibits. The parties having been sworn and testified. The Court having heard opening statements presented by Plaintiff and Attorney Vaccarino. The Court having heard sworn testimony by the parties. Exhibits having been offered and admitted.

The matter having been recessed and reconvened. The Court having heard closing arguments presented by Plaintiff and Attorney Vaccarino.

. . .

The Court having placed the Stipulations of the parties on the record and subsequently issued its **FINDINGS** and **ORDERS**:

THE COURT HEREBY FINDS that it has personal jurisdiction over the parties and minor child, JAI STING COLLEY, ("JAI"), born June 28, 2007, in this action.

THE COURT FURTHER FINDS that Attorney Vaccarino's Joint Legal Custody language outlined in Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs filed on June 1, 2023 is standard Joint Legal Custody language and shall be incorporated in this Order. **(Video Transcript from 3:18:33 to 3:20:48)**

THE COURT FURTHER FINDS that Defendant's testimony regarding Mother's Day was credible. **(Video Transcript from 3:22:38 to 3:22:59)**

THE COURT HAVING FURTHER NOTED that there was no Father's Day proposed in Plaintiff's proposal which does corroborate Defendant's testimony. **(Video Transcript from 3:23:00 to 3:23:20)**

The Court having inquired with the parties regarding clarification for Summer Break. Attorney Vaccarino having suggested week on/week off and that the vacation time be honored as agreed upon by the parties. **(Video Transcript from 3:23:37 to 3:23:52)**

THE COURT HAVING FURTHER NOTED that the Clark County School District's schedule did change to make Easter not associated with Spring Break. **(Video Transcript from 3:24:12 to 3:24:25)**

THE COURT FURTHER FINDS that based upon Defendant's request for Christmas, Defendant can have until December 29th and Plaintiff will have the remainder of the break. **(Video Transcript from 3:24:46 to 3:25:21, and from 3:26:39 to 3:28:12)**

The Court having heard colloquy regarding changing the exchange day during the Summer to Thursday at 6:00 p.m. The Court having heard colloquy regarding the minor child's insurance and the minor child receiving therapy.

The parties having **STIPULATED** to and the Court having **ORDERED** the following:

1. The Parties shall continue to exchange the minor child at the downtown Arts Factory located at 107 E. Charleston Blvd., Las Vegas, NV 89104, unless otherwise specifically ordered for pick up and drop off at school as ordered below. **(Video Transcript from 3:17:58 to 3:18:32)**

2. For the Summer schedule ONLY, the exchange of the minor child will be on Thursdays at 6:00 p.m. until Monday at 5:30 p.m. The exchanges will be at the Arts Factory located at 107 E. Charleston Blvd., Las Vegas, NV 89104. **(Video Transcript from 3:47:56 to 3:52:00)**

3. Plaintiff shall provide the minor child's healthcare insurance information and the Provider List to Defendant through Our Family Wizard. **(Video Transcript from 3:55:27 to 4:04:21)**

Now therefore,

IT IS HEREBY ORDERED that the parties shall continue to share Joint Legal Custody of the minor child, JAI STING COLLEY, ("JAI"), born June 28, 2007. Attorney Vaccarino's Joint Legal Custody language outlined in Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs filed on June 1, 2023 is standard Joint Legal Custody language and shall be incorporated herein. **(Video Transcript from 3:18:33 to 3:20:48)**

IT IS FURTHER ORDERED that the parties shall abide by the mandates of Joint Legal Custody which term is defined as follows:

a. The parents shall consult and cooperate with each other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and health care of the child.

b. The parents shall have access to medical and school records pertaining to the child and be permitted to independently consult with any and all professionals involved with the child.

c. All schools, health care providers, day care providers, and counselors shall be selected by the parents jointly. The child shall remain in the current school, unless the parties agree in writing or the Court Orders a different school. In the event that the parents cannot agree to the selection of a school, the child shall be maintained in the present school pending mediation and/or further Order of the Court, subject to the Orders set forth in the Decree of Divorce.

d. Each parent shall be empowered to obtain emergency health care for the child without the consent of the other parent. Each parent is to notify the other parent as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.

e. Each parent is to provide the other parent, upon receipt, information concerning the well-being of the child including, but not limited to, copies of report cards, school meeting notices, vacation schedules, class programs, requests for conferences, results of standardized or diagnostic tests, notices of activities involving the child, samples of school work, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers, and counselors.

f. Each parent is to advise the other parent of school, athletic, and social events in which the child participates. Both parents may participate in school activities for the child such as open house, attendance at an athletic practice, event, etc.

g. Each parent is to provide the other parent with the address and telephone number at which the minor child resides, and to notify the other parent within two (2) weeks prior to any change of address and provide the telephone number as soon as it is assigned.

h. Each parent is to provide the other parent with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child can be reached whenever the child will be away from the parent's home for a period of one (1) night or more.

i. Each parent shall be entitled to the specific, Court-ordered telephone, Facetime and/or other communications with the child. Each parent is restrained from unreasonably interfering with the child's right to privacy during such telephone conversations.

j. Each parent is restrained from interfering with the child's right to transfer clothes, toys and other personal possessions between households.

IT IS FURTHER ORDERED that holiday, Summer and vacation timeshare shall take precedence over regular timeshare and is defined as follows:

THANKSGIVING BREAK: Thanksgiving Break shall commence at school pick up and shall continue until drop off at school. Defendant shall get even-numbered years, and Plaintiff shall receive odd-numbered years. **(Video Transcript from 3:25:39 to 3:26:38)**

WINTER BREAK: Winter break shall commence at school pick up and continue until December 29th at 10:00 a.m. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:26:39 to 3:28:12)**

SPRING BREAK: Spring Break shall commence at school pick up and shall continue to drop off at school. Plaintiff shall receive even-numbered years, and Defendant shall receive odd-numbered years. **(Video Transcript from 3:28:13 to 3:28:42)**

EASTER: Easter shall begin on Saturday at 8:00 p.m. to Monday drop off at school or at 10:00 a.m. if school is not in session. Plaintiff receive get odd-numbered years, and Defendant shall receive even-numbered years. **(Video Transcript from 3:28:43 to 3:29:33)**

HALLOWEEN: Halloween shall commence on October 31st pick-up at school or at 3:00 p.m. if school is not in session, until the next day drop off at school or at 10:00 a.m. if

school is not in session. Defendant shall receive odd-numbered years and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:29:34 to 3:30:22)**

FOURTH OF JULY: Fourth of July shall commence on July 3rd at 5:00 p.m. until July 5th at 10:00 a.m. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:30:23 to 3:30:55)**

MEMORIAL DAY: Memorial Day shall commence the Friday before the holiday, pick-up at school or at 4:00 p.m. if school is not session, until the following Tuesday drop off at school or at 10:00 a.m. if school is not in session. Plaintiff shall receive odd-numbered years, and Defendant shall receive even-numbered years. **(Video Transcript from 3:30:56 to 3:32:43)**

LABOR DAY: Labor Day shall commence the Friday before the holiday, pick-up at school or at 4:00 p.m. if school is not in session, until the following Tuesday drop off at school or at 10:00 a.m. if school is not in session. Defendant shall receive odd-numbered years and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:30:56 to 3:32:43)**

VETERANS DAY: Veterans Day shall commence at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Plaintiff shall receive Veterans Day EACH year. **(Video Transcript from 3:32:44 to 3:34:21)**

MOTHER'S DAY and FATHER'S DAY: Mother's Day and Father's Day shall commence on Saturday at 8:00 p.m. until Monday at 10:00 a.m. Plaintiff shall receive Father's Day EACH year and Defendant shall receive Mother's Day EACH year. **(Video Transcript from 3:34:22 to 3:35:05)**

MINOR CHILD'S BIRTHDAY: The minor child's birthday, June 28th, shall be celebrated from June 28th at 10:00 a.m. to 10:00 a.m. on June 29th. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:35:06 to 3:35:35)**

DEFENDANT'S BIRTHDAY: On Defendant's birthday, October 26th, Defendant shall receive the minor child at school pick-up or at 10:00 a.m. if school is not in session, until school drop off or at 10:00 a.m. the next day if school is not in session. **(Video Transcript from 3:35:36 to 3:36:28)**

PLAINTIFF'S BIRTHDAY: On Plaintiff's birthday, September 22nd, Plaintiff shall receive the minor child at school pick-up or at 10:00 a.m. if school is not in session, until school drop off or at 10:00 a.m. the next day if school is not in session. **(Video Transcript from 3:35:36 to 3:36:28)**

PRESIDENTS' DAY: Presidents' Day shall commence at school pick-up the Friday before the holiday and continue until school drop off on the following Tuesday. Defendant shall receive even-numbered years, and Plaintiff shall receive odd-numbered years. **(Video Transcript from 3:36:29 to 3:38:31)**

MARTIN LUTHER KING JR. DAY: Martin Luther King Jr. Day shall commence at school pick-up the Friday before the holiday and continue until school drop off on the following Tuesday. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:36:29 to 3:38:31)**

NEVADA ADMISSION DAY: Nevada Admission Day shall commence at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Defendant shall receive Nevada Day EACH year. **(Video Transcript from 3:36:29 to 3:38:31)**

SUMMER: For Summer 2023, Defendant shall receive the minor child from June 12th through June 16th which will then carry over into Defendant's scheduled time. **(Video Transcript from 3:40:25 to 3:44:21)** For NEXT SUMMER, 2024, the Parties shall follow a WEEK ON/WEEK OFF schedule. For Summer 2024, Plaintiff shall receive the minor child for the first week when school lets out on May 20th and Defendant shall receive the minor child for Memorial Day weekend and continuing until June 2nd with the exchanges taking place on Sundays. **(Video Transcript from 3:44:22 to 3:47:55)**

IT IS FURTHER ORDERED that Defendant shall provide the names of three (3) counselor to Plaintiff within ten (10) days of June 1, 2023. Plaintiff will then have 10 days once he receives the names to choose one name. The Parties shall abide by the counselor's RECOMMENDATIONS. If the Parties do not agree upon one counselor, the three (3), proposed names shall be submitted to the Court. **(Video Transcript from 3:55:27 to 4:04:21)**

IT IS FURTHER ORDERED that the parties are on notice of the following statutory provisions:

STATUTORY AND ADMINISTRATIVE NOTICES

Concerning Child Custody or Child Support

Approved by Presiding Judge Pursuant to EDCR 5.707

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(7)(8):

> The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:
>
> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
>
> (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
>
> (b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.006:

> 1. If PRIMARY PHYSICAL CUSTODY has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:
>
> (a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and
>
> (b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.
>
> 2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:
>
> (a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.0065:

1. If JOINT PHYSICAL CUSTODY has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating:

(a) Attempt to obtain the written consent of the non-relocating parent to relocate with the child; and

(b) If the non-relocating parent refuses to give that consent, petition the court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.010(1)(b), for purposes of visitation rights of a child, the State of Nevada or the state where the child resides within the United States of America is the current habitual residence of the child.

NOTICE IS HEREBY GIVEN that the parent having the child support obligation is subject to NAC 425.025 and NRS 31A.010 through 31A.350, inclusive, regarding the immediate withholding or assignment of wages, commissions or bonuses for payment of child support, whether current or delinquent.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125B.145 and NAC 425.170, either party may request that the Court review the child support obligation every three years or upon changed circumstances.

NOTICE IS HEREBY GIVEN that pursuant to NAC 425.165 and NRS 425.620, if the order pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child, and if you want to adjust the amount of child support established in this order, you MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

NOTICE IS HEREBY GIVEN that each party shall submit the information required in NRS 125B.055, NRS 125.130, and 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN that you have an affirmative duty to update any changes in your personal information by filing a Notice of Change of Address form. The form can be found at the following link:

https://www.familylawselfhelpcenter.org/images/forms/misc/addresschange-pdf-fillable.pdf

IT IS FURTHER ORDERED that Ms. Vaccarino shall prepare the Order from today's hearing and submit it to Plaintiff for his review. **(Video Transcript from 4:04:22 to 4:05:00)**

IT IS SO ORDERED this _____ day of _____, 2023.

Dated this 14th day of July, 2023

DISTRICT COURT JUDGE LS
845 EE1 9702 9D4A
Regina M. McConnell
District Court Judge

Respectfully submitted by:

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.

PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

Approved as to Content:

SEE ATTACHED LETTER

CORY COLLEY
849 Hedge Way #3
Las Vegas, Nevada 89110
(702) 575-4389
Plaintiff/Counterdefendant,
in proper person

VACCARINO LAW OFFICE
◆ A PROFESSIONAL CORPORATION
ALSO ADMITTED IN NEW YORK & NEW JERSEY
10161 PARK RUN DRIVE SUITE 150 LAS VEGAS, NEVADA 89145
TELEPHONE (702) 258-8007
FACSIMILE (702) 258-8840
E-MAIL patricia@vaccarinolaw.com

July 14, 2023

VIA ELECTRONIC TRANSMISSION ONLY

Dayna Klingenberg, Judicial Executive Assistant to the
Honorable Regina M. McConnell
Eighth Judicial District Court
Family Division, Dept. O
200 Lewis Ave.
Las Vegas, NV 89155

RE: Colley v. Slader
Case No. D-19-590338-D

Dear Ms. Klingenberg:

This afternoon, I directed my Legal Assistant, Matt, to contact your Department regarding a procedural issue regarding the outstanding Order the June 1, 2023 Evidentiary Hearing. After office hours on Thursday, July 13, 2023, Plaintiff/Counterdefendant, Cory Colley, sent an E-mail to my office regarding the Order, stating as follows: "This order is correct, please consider this E-mail my signature of approval."

Earlier this morning, I sent a letter to Mr. Colley, stating as follows:

> "Thank you for your E-mail received this morning. You either need to add your electronic signature to the proposed document, or write my office a separate E-mail that states: You have my consent to add my electronic signature to the Order.
>
> Your E-mail consenting to add your electronic signature is required to be forwarded to the Court with the proposed Order for ratification. Therefore, please immediately send such an E-mail. Thank you for your time and attention."

Matt contacted your Chambers, only to discuss the matter of what is required for submission of the Order. Matt explained the E-mails exchanged to you to seek clarification of your Department's procedure regarding E-mails authorizing electronic signatures to be added to documents. You explained to Matt that I was correct in seeking a proper authorization from Mr. Colley, and to submit the Order if we did not receive a response from Mr. Colley by the end of the day. The Order, without Mr. Colley's signature, will be submitted separately under separate cover. At our last hearing earlier this week, the Judge did make it clear that the outstanding Order was to be submitted to Chambers by no later than today.

Thank you for your time and assistance. Please contact this office should you require any additional information. This letter is being copied on Mr. Colley. Thank you for your time and assistance with this procedural issue.

Sincerely yours,

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.

Patricia L. Vaccarino, Esq.

cc: Cheryl Slader
Cory Colley

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Cory Lawrence Colley, Plaintiff vs. Cheryl Ann Slader, Defendant.	CASE NO: D-19-590338-D DEPT. NO. Department O

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 7/14/2023

Patricia Vaccarino	patricia@vaccarinolaw.com
Cory Colley	cory.colley@hotmail.com

Electronically Filed
7/17/2023 9:47 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
VACCARINO LAW OFFICE
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: O DATE OF EVIDENTIARY HEARING: June 1, 2023 TIME OF EVIDENTIARY HEARING: 1:30 p.m.

NOTICE OF ENTRY OF ORDER

TO: CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, in proper person.

Please take notice that an Order was entered in the above-referenced matter on the 14th day of July, 2023, a copy of which is attached hereto.

Dated this 17th day of July, 2023.

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
Attorney, IN AN UNBUNDLED CAPACITY,
for Defendant/Counterclaimant,
CHERYL ANN SLADER

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that, pursuant to NRCP 6 and NEFCR 9, on the 14th day of July, 2023, I caused a true and correct copy of the following **NOTICE OF ENTRY OF ORDER** and **ORDER** to be served, via Wiznet, to:

Cory Colley
cory.colley@hotmail.com

/s/ Matthew Layton
Matthew Layton, an employee of the
VACCARINO LAW OFFICE

Electronically Filed
07/14/2023 4:25 PM
CLERK OF THE COURT

ORDR

PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
VACCARINO LAW OFFICE
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant.
CHERYL ANN SLADER

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: O DATE OF EVIDENTIARY HEARING: June 1, 2023 TIME OF EVIDENTIARY HEARING: 1:30 p.m.

ORDER

THIS MATTER having come before this Court on the 1st day of June, 2023 for an Evidentiary Hearing upon custody timeshare and related issues; Plaintiff/Counterdefendant, CORY LAWRENCE COLLEY, ("Plaintiff"), appearing in proper person and in person; Defendant/Counterclaimant, CHERYL ANN SLADER, ("Defendant"), appearing in person and through her counsel, PATRICIA L. VACCARINO, ESQ., of the VACCARINO LAW OFFICE, also appearing in person.

The Court having heard colloquy regarding stipulating to Exhibits. The parties having been sworn and testified. The Court having heard opening statements presented by Plaintiff and Attorney Vaccarino. The Court having heard sworn testimony by the parties. Exhibits having been offered and admitted.

The matter having been recessed and reconvened. The Court having heard closing arguments presented by Plaintiff and Attorney Vaccarino.

. . .

The Court having placed the Stipulations of the parties on the record and subsequently issued its **FINDINGS** and **ORDERS**:

THE COURT HEREBY FINDS that it has personal jurisdiction over the parties and minor child, JAI STING COLLEY, ("JAI"), born June 28, 2007, in this action.

THE COURT FURTHER FINDS that Attorney Vaccarino's Joint Legal Custody language outlined in Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs filed on June 1, 2023 is standard Joint Legal Custody language and shall be incorporated in this Order. **(Video Transcript from 3:18:33 to 3:20:48)**

THE COURT FURTHER FINDS that Defendant's testimony regarding Mother's Day was credible. **(Video Transcript from 3:22:38 to 3:22:59)**

THE COURT HAVING FURTHER NOTED that there was no Father's Day proposed in Plaintiff's proposal which does corroborate Defendant's testimony. **(Video Transcript from 3:23:00 to 3:23:20)**

The Court having inquired with the parties regarding clarification for Summer Break. Attorney Vaccarino having suggested week on/week off and that the vacation time be honored as agreed upon by the parties. **(Video Transcript from 3:23:37 to 3:23:52)**

THE COURT HAVING FURTHER NOTED that the Clark County School District's schedule did change to make Easter not associated with Spring Break. **(Video Transcript from 3:24:12 to 3:24:25)**

THE COURT FURTHER FINDS that based upon Defendant's request for Christmas, Defendant can have until December 29th and Plaintiff will have the remainder of the break. **(Video Transcript from 3:24:46 to 3:25:21, and from 3:26:39 to 3:28:12)**

The Court having heard colloquy regarding changing the exchange day during the Summer to Thursday at 6:00 p.m. The Court having heard colloquy regarding the minor child's insurance and the minor child receiving therapy.

The parties having **STIPULATED** to and the Court having **ORDERED** the following:

1. The Parties shall continue to exchange the minor child at the downtown Arts Factory located at 107 E. Charleston Blvd., Las Vegas, NV 89104, unless otherwise specifically ordered for pick up and drop off at school as ordered below. **(Video Transcript from 3:17:58 to 3:18:32)**

2. For the Summer schedule ONLY, the exchange of the minor child will be on Thursdays at 6:00 p.m. until Monday at 5:30 p.m. The exchanges will be at the Arts Factory located at 107 E. Charleston Blvd., Las Vegas, NV 89104. **(Video Transcript from 3:47:56 to 3:52:00)**

3. Plaintiff shall provide the minor child's healthcare insurance information and the Provider List to Defendant through Our Family Wizard. **(Video Transcript from 3:55:27 to 4:04:21)**

Now therefore,

IT IS HEREBY ORDERED that the parties shall continue to share Joint Legal Custody of the minor child, JAI STING COLLEY, ("JAI"), born June 28, 2007. Attorney Vaccarino's Joint Legal Custody language outlined in Defendant's Motion to Modify Custody, for Related Relief, and for Attorney's Fees and Costs filed on June 1, 2023 is standard Joint Legal Custody language and shall be incorporated herein. **(Video Transcript from 3:18:33 to 3:20:48)**

IT IS FURTHER ORDERED that the parties shall abide by the mandates of Joint Legal Custody which term is defined as follows:

a. The parents shall consult and cooperate with each other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and health care of the child.

b. The parents shall have access to medical and school records pertaining to the child and be permitted to independently consult with any and all professionals involved with the child.

c. All schools, health care providers, day care providers, and counselors shall be selected by the parents jointly. The child shall remain in the current school, unless the parties agree in writing or the Court Orders a different school. In the event that the parents cannot agree to the selection of a school, the child shall be maintained in the present school pending mediation and/or further Order of the Court, subject to the Orders set forth in the Decree of Divorce.

d. Each parent shall be empowered to obtain emergency health care for the child without the consent of the other parent. Each parent is to notify the other parent as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.

e. Each parent is to provide the other parent, upon receipt, information concerning the well-being of the child including, but not limited to, copies of report cards, school meeting notices, vacation schedules, class programs, requests for conferences, results of standardized or diagnostic tests, notices of activities involving the child, samples of school work, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers, and counselors.

f. Each parent is to advise the other parent of school, athletic, and social events in which the child participates. Both parents may participate in school activities for the child such as open house, attendance at an athletic practice, event, etc.

g. Each parent is to provide the other parent with the address and telephone number at which the minor child resides, and to notify the other parent within two (2) weeks prior to any change of address and provide the telephone number as soon as it is assigned.

h. Each parent is to provide the other parent with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child can be reached whenever the child will be away from the parent's home for a period of one (1) night or more.

i. Each parent shall be entitled to the specific, Court-ordered telephone, Facetime and/or other communications with the child. Each parent is restrained from unreasonably interfering with the child's right to privacy during such telephone conversations.

j. Each parent is restrained from interfering with the child's right to transfer clothes, toys and other personal possessions between households.

IT IS FURTHER ORDERED that holiday, Summer and vacation timeshare shall take precedence over regular timeshare and is defined as follows:

THANKSGIVING BREAK: Thanksgiving Break shall commence at school pick up and shall continue until drop off at school. Defendant shall get even-numbered years, and Plaintiff shall receive odd-numbered years. **(Video Transcript from 3:25:39 to 3:26:38)**

WINTER BREAK: Winter break shall commence at school pick up and continue until December 29th at 10:00 a.m. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:26:39 to 3:28:12)**

SPRING BREAK: Spring Break shall commence at school pick up and shall continue to drop off at school. Plaintiff shall receive even-numbered years, and Defendant shall receive odd-numbered years. **(Video Transcript from 3:28:13 to 3:28:42)**

EASTER: Easter shall begin on Saturday at 8:00 p.m. to Monday drop off at school or at 10:00 a.m. if school is not in session. Plaintiff receive get odd-numbered years, and Defendant shall receive even-numbered years. **(Video Transcript from 3:28:43 to 3:29:33)**

HALLOWEEN: Halloween shall commence on October 31st pick-up at school or at 3:00 p.m. if school is not in session, until the next day drop off at school or at 10:00 a.m. if

school is not in session. Defendant shall receive odd-numbered years and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:29:34 to 3:30:22)**

FOURTH OF JULY: Fourth of July shall commence on July 3rd at 5:00 p.m. until July 5th at 10:00 a.m. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:30:23 to 3:30:55)**

MEMORIAL DAY: Memorial Day shall commence the Friday before the holiday, pick-up at school or at 4:00 p.m. if school is not session, until the following Tuesday drop off at school or at 10:00 a.m. if school is not in session. Plaintiff shall receive odd-numbered years, and Defendant shall receive even-numbered years. **(Video Transcript from 3:30:56 to 3:32:43)**

LABOR DAY: Labor Day shall commence the Friday before the holiday, pick-up at school or at 4:00 p.m. if school is not in session, until the following Tuesday drop off at school or at 10:00 a.m. if school is not in session. Defendant shall receive odd-numbered years and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:30:56 to 3:32:43)**

VETERANS DAY: Veterans Day shall commence at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Plaintiff shall receive Veterans Day EACH year. **(Video Transcript from 3:32:44 to 3:34:21)**

MOTHER'S DAY and FATHER'S DAY: Mother's Day and Father's Day shall commence on Saturday at 8:00 p.m. until Monday at 10:00 a.m. Plaintiff shall receive Father's Day EACH year and Defendant shall receive Mother's Day EACH year. **(Video Transcript from 3:34:22 to 3:35:05)**

MINOR CHILD'S BIRTHDAY: The minor child's birthday, June 28th, shall be celebrated from June 28th at 10:00 a.m. to 10:00 a.m. on June 29th. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:35:06 to 3:35:35)**

DEFENDANT'S BIRTHDAY: On Defendant's birthday, October 26th, Defendant shall receive the minor child at school pick-up or at 10:00 a.m. if school is not in session, until school drop off or at 10:00 a.m. the next day if school is not in session. **(Video Transcript from 3:35:36 to 3:36:28)**

PLAINTIFF'S BIRTHDAY: On Plaintiff's birthday, September 22nd, Plaintiff shall receive the minor child at school pick-up or at 10:00 a.m. if school is not in session, until school drop off or at 10:00 a.m. the next day if school is not in session. **(Video Transcript from 3:35:36 to 3:36:28)**

PRESIDENTS' DAY: Presidents' Day shall commence at school pick-up the Friday before the holiday and continue until school drop off on the following Tuesday. Defendant shall receive even-numbered years, and Plaintiff shall receive odd-numbered years. **(Video Transcript from 3:36:29 to 3:38:31)**

MARTIN LUTHER KING JR. DAY: Martin Luther King Jr. Day shall commence at school pick-up the Friday before the holiday and continue until school drop off on the following Tuesday. Defendant shall receive odd-numbered years, and Plaintiff shall receive even-numbered years. **(Video Transcript from 3:36:29 to 3:38:31)**

NEVADA ADMISSION DAY: Nevada Admission Day shall commence at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Defendant shall receive Nevada Day EACH year. **(Video Transcript from 3:36:29 to 3:38:31)**

SUMMER: For Summer 2023, Defendant shall receive the minor child from June 12th through June 16th which will then carry over into Defendant's scheduled time. **(Video Transcript from 3:40:25 to 3:44:21)** For NEXT SUMMER, 2024, the Parties shall follow a WEEK ON/WEEK OFF schedule. For Summer 2024, Plaintiff shall receive the minor child for the first week when school lets out on May 20th and Defendant shall receive the minor child for Memorial Day weekend and continuing until June 2nd with the exchanges taking place on Sundays. **(Video Transcript from 3:44:22 to 3:47:55)**

IT IS FURTHER ORDERED that Defendant shall provide the names of three (3) counselor to Plaintiff within ten (10) days of June 1, 2023. Plaintiff will then have 10 days once he receives the names to choose one name. The Parties shall abide by the counselor's RECOMMENDATIONS. If the Parties do not agree upon one counselor, the three (3), proposed names shall be submitted to the Court. **(Video Transcript from 3:55:27 to 4:04:21)**

IT IS FURTHER ORDERED that the parties are on notice of the following statutory provisions:

STATUTORY AND ADMINISTRATIVE NOTICES

Concerning Child Custody or Child Support

Approved by Presiding Judge Pursuant to EDCR 5.707

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(7)(8):

The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.006:

1. If PRIMARY PHYSICAL CUSTODY has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

(a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and

(b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.0065:

1. If JOINT PHYSICAL CUSTODY has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating:

(a) Attempt to obtain the written consent of the non-relocating parent to relocate with the child; and

(b) If the non-relocating parent refuses to give that consent, petition the court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.010(1)(b), for purposes of visitation rights of a child, the State of Nevada or the state where the child resides within the United States of America is the current habitual residence of the child.

NOTICE IS HEREBY GIVEN that the parent having the child support obligation is subject to NAC 425.025 and NRS 31A.010 through 31A.350, inclusive, regarding the immediate withholding or assignment of wages, commissions or bonuses for payment of child support, whether current or delinquent.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125B.145 and NAC 425.170, either party may request that the Court review the child support obligation every three years or upon changed circumstances.

NOTICE IS HEREBY GIVEN that pursuant to NAC 425.165 and NRS 425.620, if the order pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child, and if you want to adjust the amount of child support established in this order, you MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

NOTICE IS HEREBY GIVEN that each party shall submit the information required in NRS 125B.055, NRS 125.130, and 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN that you have an affirmative duty to update any changes in your personal information by filing a Notice of Change of Address form. The form can be found at the following link:

https://www.familylawselfhelpcenter.org/images/forms/misc/addresschange-pdf-fillable.pdf

IT IS FURTHER ORDERED that Ms. Vaccarino shall prepare the Order from today's hearing and submit it to Plaintiff for his review. **(Video Transcript from 4:04:22 to 4:05:00)**

IT IS SO ORDERED this _____ day of _____, 2023.

Dated this 14th day of July, 2023

DISTRICT COURT JUDGE LS
845 EE1 9702 9D4A
Regina M. McConnell
District Court Judge

Respectfully submitted by:

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.

PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 258-8007
Attorney for Defendant/Counterclaimant,
CHERYL ANN SLADER

Approved as to Content:

SEE ATTACHED LETTER

CORY COLLEY
849 Hedge Way #3
Las Vegas, Nevada 89110
(702) 575-4389
Plaintiff/Counterdefendant,
in proper person

VACCARINO LAW OFFICE

A PROFESSIONAL CORPORATION

ALSO ADMITTED IN
NEW YORK & NEW JERSEY

10161 PARK RUN DRIVE
SUITE 150
LAS VEGAS, NEVADA 89145

TELEPHONE (702) 258-8007
FACSIMILE (702) 258-8840
E-MAIL patricia@vaccarinolaw.com

July 14, 2023

VIA ELECTRONIC TRANSMISSION ONLY

Dayna Klingenberg, Judicial Executive Assistant to the
Honorable Regina M. McConnell
Eighth Judicial District Court
Family Division, Dept. O
200 Lewis Ave.
Las Vegas, NV 89155

RE: Colley v. Slader
Case No. D-19-590338-D

Dear Ms. Klingenberg:

This afternoon, I directed my Legal Assistant, Matt, to contact your Department regarding a procedural issue regarding the outstanding Order the June 1, 2023 Evidentiary Hearing. After office hours on Thursday, July 13, 2023, Plaintiff/Counterdefendant, Cory Colley, sent an E-mail to my office regarding the Order, stating as follows: "This order is correct, please consider this E-mail my signature of approval."

Earlier this morning, I sent a letter to Mr. Colley, stating as follows:

> "Thank you for your E-mail received this morning. You either need to add your electronic signature to the proposed document, or write my office a separate E-mail that states: You have my consent to add my electronic signature to the Order.
>
> Your E-mail consenting to add your electronic signature is required to be forwarded to the Court with the proposed Order for ratification. Therefore, please immediately send such an E-mail. Thank you for your time and attention."

Matt contacted your Chambers, only to discuss the matter of what is required for submission of the Order. Matt explained the E-mails exchanged to you to seek clarification of your Department's procedure regarding E-mails authorizing electronic signatures to be added to documents. You explained to Matt that I was correct in seeking a proper authorization from Mr. Colley, and to submit the Order if we did not receive a response from Mr. Colley by the end of the day. The Order, without Mr. Colley's signature, will be submitted separately under separate cover. At our last hearing earlier this week, the Judge did make it clear that the outstanding Order was to be submitted to Chambers by no later than today.

Thank you for your time and assistance. Please contact this office should you require any additional information. This letter is being copied on Mr. Colley. Thank you for your time and assistance with this procedural issue.

Sincerely yours,

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.

Patricia L. Vaccarino, Esq.

cc: Cheryl Slader
Cory Colley

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Cory Lawrence Colley, Plaintiff	CASE NO: D-19-590338-D
vs.	DEPT. NO. Department O
Cheryl Ann Slader, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 7/14/2023

Patricia Vaccarino	patricia@vaccarinolaw.com
Cory Colley	cory.colley@hotmail.com

Electronically Filed
04/08/2022 3:05 PM
CLERK OF THE COURT

FFCL

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY,

Plaintiff,

v.

CHERYL ANN SLADER

Defendant.

CASE NO.: D-19-590338-D
DEPARTMENT: M

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

This matter having come on for Trial before the Court on March 11, 2022; Plaintiff, CORY LAWRENCE COLLEY (Cory), present in-person and represented by Frank A. Leavitt, Esq.; Defendant, CHERYL SLADER (Cheryl), present in-person and represented by Patricia L. Vaccarino, Esq.; the Court having heard the testimony of the parties and their witnesses, having weighed the credibility thereof, having reviewed the exhibits that were admitted into evidence and the pleadings and papers on file herein, issues its Findings of Fact, Conclusions of Law, and Decree of Divorce.

PROCEDURAL HISTORY

Cory and Cheryl were married on February 28, 2007. They are the parents of Jai Sting Colley (Jai), born June 28, 2007. Jai will be 15 years old in 2 months.

The case was initiated by Cory with the filing of his Complaint for Divorce on May 30, 2019. Within his Complaint, Cory sought joint legal custody, but primary physical custody of Jai based upon Cheryl's time-consuming, dance troupe tour schedule. Shortly after filing his Complaint, Cory filed a Motion for Alimony and Settlement of Marital Home and Credit Cards. Cory was asking for a nominal, one-time alimony payment of $800.00 to enable him to get by until he started school full-time the following month. Cory was also seeking to ensure the marital

AMY M. MASTIN
DISTRICT JUDGE
FAMILY DIVISION, DEPT. M
LAS VEGAS, NV 89101

residence be sold or that Cheryl buy-out his half of the equity; he alleged Cheryl intended to allow the home to go into foreclosure to spite him. He was also looking to stop the parties from ongoing spending on their joint credit card, claiming he had no access to the card and Cheryl had allegedly "maxed out" the card.

Cheryl was served with the Complaint July 3, 2019[1], and filed her Answer July 25, 2019. Cheryl's Answer and Counterclaim sought joint legal custody - with greater decision-making power regarding Jai's education and extra-curricular activities - and primary physical custody. Cheryl's Opposition to Cory's Motion was filed August 6, 2019; she counter moved for temporary orders. The temporary orders sought by Cheryl were for primary physical custody of Jai and supervised visitation for Cory. In support of her requests, Cheryl alleged that she had been the subject of Cory's rage and violence throughout the marriage and that Jai was negatively influenced by Cory's treatment of her. She believed Cory was driving a wedge between her and Jai by bad-mouthing her to Jai. At the same time, Cheryl incongruently alleged that Jai's alignment with Cory was a result of Jai fearing his dad and being scared to express his personal preference to be in Cheryl's care.

Prior to the Court's hearing on the motion/countermotion for temporary orders, the parties were referred to the Family Mediation Center (FMC) so that they could first attempt to resolve the custody issues themselves. That effort proved unsuccessful, and the Court made temporary custody and financial orders at a hearing on December 3, 2019. The Court granted Cheryl exclusive possession of the marital residence (a request unopposed by Cory) and granted the parties joint legal and joint physical custody on an alternating weekly basis. The parties were ordered to conduct the custody exchanges at Jai's school, or at Cheryl's yoga studio if school was

[1] The same day she was served with Cory's Complaint for Divorce, Cheryl filed for a Temporary Order for Protection (TPO) against him. This Court was the assigned Hearing Master at the time of her Application. The Court reviewed Cheryl's Application and heard her *ex parte* testimony at the initial TPO hearing. The request for TPO was denied as there was no allegation of domestic violence pursuant to NRS Chapter 33.

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not open. The Court found the parties had similar incomes or income earning capacities and found no child support should be awarded. Based upon the parties' stipulation, it was also ordered that Jai begin therapy.

Shortly after the December 2019 hearing, issues between the parties escalated. Cheryl filed for her second Order for Protection against Cory on January 16, 2020, based upon an incident at Jai's school the day before that led to Cory's arrest for battery domestic violence. The TPO application alleged that Cory went to Jai's school to pick up Jai on Cheryl's day. Cheryl put her identification on the check-in scanner and Cory "forcefully" tried to put his identification in front of hers. The Application alleged "then [Cory] threw mine (sic) phone at my hand." The incident was caught on the school's security camera and Cory was arrested. In her TPO Application, Cheryl requested sole custody of Jai with no visitation for Cory alleging it was unsafe for Jai to be in his custody. The TPO was granted, as was the custody-related relief requested in her Application.

Cheryl then filed an emergency motion in the parties' divorce case seeking an extension of the TPO as well as a modification of the custody order that granted the parties joint physical custody; she was seeking sole physical custody. The basis for her request to modify custody was the school incident and various violations of the Court's mutual behavioral order. Cheryl noted three specific incidents of Cory initiating contact with her significant other, one of which was the incident at Jai's school on January 15, 2020. That sort of contact was expressly prohibited by the mutual behavioral order.

The Court heard the TPO extension on January 29, 2020. The TPO extension hearing was continued to February 26, 2020, to give Cory time to respond to Cheryl's recently filed Motion to Modify Custody. The TPO was continued until the next hearing; however, the Court modified the TPO to reinstate the parties' week-to-week custodial schedule. Cory filed an Opposition to

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Cheryl's Motion to Modify Custody and a Countermotion that sought to enforce his custodial rights on February 4, 2020.

At the February 26, 2020, hearing, the Court again continued the hearing on extension of the TPO and continued the TPO until the continued hearing date. The parties were referred for a Senior Judge Settlement Conference. In the event they did not settle the case at the Senior Judge Settlement Conference, the Court ordered that Jai submit to a videotaped interview by a psychologist. The parties were given permission to submit questions to the interviewer.

The Settlement Conference was continued for reasons unknown to this Court. In the interim, the District Court addressed the pending requests for relief at hearing on April 28, 2020, and ordered as follows: the TPO was extended until the next hearing, July 7, 2020[2], with all exceptions to the TPO terms intact; the parties were given permission to record all conversations; Jai was to continue therapy and the parties were Ordered to initiate family therapy forthwith.

The Settlement Conference finally took place June 10, 2020, with Senior Judge Ames. The parties were unsuccessful in mediating an agreement. They next appeared in Court on October 21, 2020, for a Pre-Trial Conference and the setting of trial. By then, Cory had filed another motion to address timeshare issues and to request primary legal custody. The Court set a half-day trial for March 3, 2021, and directed that the balance of the issues raised in Cory's newest Motion and Cheryl's responsive Countermotion would be addressed on December 2, 2020. The Court's tone at the Pre-Trial Conference was one of frustration at the parties' unwillingness to negotiate and compromise.

The Court's frustration was even more apparent in its November 25, 2020, Minute Order that disposed of the remaining issues from Cory's Motion to Modify Custody and Cheryl's newly filed Motion seeking reconsideration of the Court's Thanksgiving holiday schedule, which Cory

[2] The TPO was ultimately extended at every subsequent hearing so that it remained in place - subject to the custody exceptions Ordered by Judge Gentile - until the time set for trial.

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opposed. The Court's irritation was directed at Cory who had unreasonably refused to grant Cheryl Thanksgiving holiday visitation starting on Tuesday, November 24, 2020, rather than on Wednesday, November 25. Cheryl's request for the additional day was because school broke for the Thanksgiving holiday on Tuesday (versus the more typical Wednesday start of the holiday weekend) and since she was awarded the Thanksgiving holiday, she made out-of-state plans with Jai starting after school on Tuesday. Cory's position was that the Court ordered that Thanksgiving break was from Wednesday through Sunday and that Cheryl was not entitled to take Jai on vacation starting Tuesday.

At hearing on the matter, Cory was expressly admonished not to continue to be an obstructionist or inflexible just for the sake of being inflexible. The Court ordered that all remaining issues regarding the parties' timeshare would be addressed at the upcoming trial in March.

Two months later, the parties were back in Court. Cory had filed a Motion for Jai to testify by alternate means and to continue the March trial. Cheryl filed a limited opposition to the request to continue the trial, asking only that the Court further extend Cheryl's protection order until the new trial date. However, Cheryl did vigorously object to allowing Jai to testify by alternate means. Her objection was that Jai's opinion would solely be the result of Cory's coaching, coercion, and alienation. Cheryl alleged that Jai would say whatever Cory wanted him to out of fear of reprise or to please Cory. Cheryl, instead, proposed that Jai be subject to a custody evaluation so that his preference - or what was in his best interests - could be deduced by a professional, rather than determined by Jai himself.

The Court ordered that Jai be interviewed by his current therapist, Matt Stoll, with whom Jai already had an existing relationship. Mr. Stoll declined to interview Jai and the trial was further delayed so that the interview could be conducted by an outsource provider. The parties ultimately agreed Dr. Bree Mullin would conduct the interview. That process delayed the

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proceedings from May 2021 through December 2021. A continued Pre-Trial Conference was conducted December 9, 2021, after receipt of the child interview report. It was represented by counsel for both parties that there were active settlement negotiations and that the matter could likely be resolved. The Court set a firm half-day trial date of March 11, 2022.

Following the Pre-Trial Conference, Cheryl retained new counsel. A motion was filed seeking unredacted records from Child Protective Services (CPS) and seeking clarification of the permitted access to and use of Dr. Mullin's report at trial. The Court ordered that CPS records could not be provided unredacted, hat Dr. Mullin could be called as a witness at trial, that Jai could be called to testify at trial, and that the parents could view the entirety of Dr. Mullin's report[3]. Counsel for Cheryl also expressed great concern that the parties were only afforded a half-day trial for issues of such consequence. The Court noted the half-day setting was ordered by Judge Gentile back at hearing October 2020 and that counsel had to be judicious in their use of time. The Court also agreed to consider hearing the property and debt issues at a separate proceeding.

In his Pre-Trial Memorandum, Cory confirmed that he was seeking joint legal custody of Jai and primary physical custody. He asked that the Court order visitation for Cheryl every other weekend, from Friday evening through Monday morning. In hers, Cheryl confirmed she was seeking joint physical custody, constructive child support arrears, current child support, and attorney's fees. Cory listed two witnesses in addition to the parties (one being Dr. Mullin). In spite of the Court's firm time limitation, Cheryl listed 22 witnesses in addition to the parties; she did not identify Dr. Mullin as a witness in her case-in-chief.

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[3] Previously, counsel had agreed with Dr. Mullin's request that the parents only be given a verbal summary of the report after their *in camera* review. This request from Dr. Mullin was in response to Jai's concerns that Cheryl would confront him and argue with him after reading his statements in the report.

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At the conclusion of trial, the Court directed that Cheryl's Exhibit DD, select messages between the parties from Our Family Wizard (OFW), be supplemented so that the Court would have the parties' entire record of communication. The Court also granted the parties time to make written closing arguments. The Court was in receipt of all requested documents prior to issuing the following decision[4].

FINDINGS OF FACT

1. The parties were married for 12 years at initiation of the present divorce case. There was one child born of the marriage, Jai, now age 14.5 years old. Cheryl is also the mother to an adult daughter, Sienna, with whom she does not currently maintain a relationship. Cory has been Sienna's stepfather since she was 7 years old. Cory and Sienna are in regular communication and see one another often. Jai's contact with Sienna takes place through Cory.

2. The parties separated homes shortly after Cory filed for divorce. Cheryl continued to reside in the former marital residence; Cory moved to a new residence.

3. Throughout the marriage, and post-separation, Cheryl has owned a yoga studio. She is also teacher at the studio and Cory would fill in and teach when needed. Early pleadings in the case reflect that, pre-pandemic, Cheryl was also employed with a touring dance troupe and had been traveling out-of-state with the troupe at least two to three weeks at a time since November 2017. *See* Defendant's Opposition filed August 6, 2019, p. 4.

4. Cheryl alleged she had permission to take Jai on some of the tours and that Jai would perform and assist backstage. She does not explain if or how Jai was able to accompany her while he was enrolled in school full-time.

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[4] The Court did not view Defendant's "Appendix and Exhibit List for Exhibits Supporting Defendant/Counterclaimant's Closing Brief" filed March 25, 2022, as the parties were not given the option of submitting additional exhibits or evidence not already admitted at trial.

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5. From the time of her initial pleadings, Cheryl alleged a history of domestic violence by Cory. Cheryl described him as rageful, vengeful and alienating of her relationship with Jai. Cheryl's first countermotion with the Court sought supervised visitation for Cory until he engaged in anger management therapy, fearing for Jai's safety otherwise. *Id.*, pp. 9-10.

6. In these early pleadings, Cheryl also acknowledged that her relationship with Jai had been deteriorating. She described Jai as exhibiting signs of aggression and anger towards her and alleged that Jai blames her when Cory is aggressive with her. *Id.*, p. 4. Cheryl believed Jai's treatment of her is solely a reflection of how Cory treats her.

7. In these early pleadings, Cheryl stated her belief that Jai is of sufficient age and capacity to form an intelligent preference as to his custody. Cheryl further claimed that Jai had indicated his desire to be with both parents equally. *Id.*, p. 10.

8. Cory's early pleadings described that Cheryl's touring schedule kept her away from home for months at a time, not weeks as she had alleged. He claimed that he had been Jai's primary caregiver given Cheryl's extended absences from the home and her focus on work. Cory was the only parent who drove - it was unclear to the Court why - and he claimed that, as a result, he was the parent who took Jai and Sienna to school, was actively involved in both kids' extra-curricular activities, and was also solely responsible for taking Cheryl to the yoga studio. *See* Plaintiff's Reply to Opposition and Countermotion filed September 9, 2019, p. 7.

9. Originally, Cory indicated a willingness to share physical custody of Jai with Cheryl if she was not touring and available to care for Jai the necessary amount of time. *Id.*, p. 3.

10. There were no allegations of domestic violence made by either party until their divorce case was filed. Upon being served with the Complaint for Divorce, Cheryl filed for a TPO that was denied as it did not meet the standard set in NRS Chapter 33.

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11. Subsequently, Cory was arrested for battery domestic violence January 15, 2020, following an incident at Jai's school. The incident occurred on a custodial exchange day when Cheryl was due to pick-up Jai at school. Cory did not dispute that it was Cheryl's day, nor did he allege a valid reason for being at the school on Cheryl's pick-up day.

12. The video of that incident was admitted as Defendant's Exhibit JJ. It was viewed by the Court prior to issuance of these FFCL.

13. There is no audio accompanying the video and the act of domestic violence alleged by Cheryl (that Cory threw her phone at her) took place out of the view of the camera. The only portion of the incident the Court can actually see is Cheryl knocking Cory's hand away from something at timestamp 3:47. By timestamp 3:52, Cory is walking away from Cheryl and they are no longer in proximity of one another. *Id*.

14. Notably, Cheryl's boyfriend was present and was observing Cheryl and Cory's interaction from approximately 20 feet away, but he did not react in any way or express alarm. He did not move from where he was standing or even take his hands out of his pockets. *Id*.

15. Defendant's Exhibit V, admitted by stipulation, is identified as a notarized letter from Cheryl's boyfriend, Larry Dolan, that purportedly included his statement regarding "witnessing a violent incident at the minor child's school." In fact, the statement does not contain any reference to what is alleged to have occurred at Jai's school.

16. Plaintiff's Exhibit 5, admitted by stipulation, is a copy of Cory's Submittal Plea tendered to the City of Las Vegas to resolve the battery domestic violence charge resulting from the incident. Upon Cory's compliance with the conditions of the plea agreement, the charge will be dismissed. Plaintiff's Exhibit 6 reflected Cory's compliance.

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17. As a result of Cory's arrest for the January 15, 2020, incident at school, Cheryl was granted a TPO. The TPO was extended through the date of trial, more than two years after the original TPO, without the Court every holding a substantive hearing on the basis for the extension.

18. In the Our Family Wizard (OFW) messages between the parties admitted as Defendant's Exhibit DD, Cheryl often tells Cory the TPO does not prohibit them from being in proximity to one another, i.e., at Jai's dance performances, unless he cannot "control himself," in which case she will call the police and he will be arrested.

19. The parties stipulated to an interview of Jai by an outsourced provider on the belief that his opinion and input were valuable to the Court's decision-making. The interview was preferred by the parties over having Jai testify in Court, in-person, as they believed him too emotionally fragile to be subjected to that process. Cheryl asked the Court for a full custody evaluation rather than an interview. She continued to allege that Jai had been coached and influenced by Cory and would likely lie in an interview.

20. Dr. Bree Mullin was the outsource provider who conducted the interview, Cheryl questioned the validity of the interview report once it was received and again asked the Court for Jai to testify at trial (at the start of trial, Cheryl ultimately decided that was not in Jai's best interests and he was not called to testify).

21. The report is a key piece of evidence given Jai's age and the statutory requirement that the Court consider his preference.

22. Dr. Mullin described Jai as polite and cooperative, but also nervous. She reported that he was logical, relevant and coherent. Jai informed Dr. Mullin he was aware the purpose of the interview was to give his opinion about his custody and to answer three questions that his parents submitted for him to answer. Jai said his mother had been talking about the interview

constantly and told him to ask for fifty-fifty custody. Jai said he also talked to his dad about the interview, but just a conversation or two.

23. Jai was nervous and indicated to Dr. Mullin that his nervousness was the result of wanting to be honest in the interview but was concerned that his parents would be reading the report.

24. Jai's interview responses were consistently positive about Cory and guarded about Cheryl. Jai said he and his mother are not getting along and they have arguments that can last for 16 hours. Jai copes by keeping his mouth shut to avoid arguments or lengthy discussions. He described this cycle of arguments as the thing he liked the least about his time with his mom, and that she made negative statements about Cory in his presence.

25. Jai said he can talk openly with his father without fear of being embarrassed or judged. His least favorite thing about Cory's home is that his dad is sometimes exhausted after work and unable/unwilling to go out and do activities.

26. Jai described that he has a parent/child relationship with Cory, but that Cory also lets him make his own decisions and that he allows Jai to be himself. He described Cheryl as being supportive if she agrees with his beliefs and decisions, but if not, she may argue and lecture him for hours.

27. When asked about his ideal schedule at each home, Jai said he would like to have some more independence at his mom's home and be left home by himself rather go to the yoga studio or the coffee shop next door to the studio after school. Jai's ideal schedule at his dad's house was to essentially maintain the same routine they currently have (although he wishes he could wake up later). Jai indicated Cory was a comforting presence and he enjoyed any time he could share with his dad.

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28. When asked about the daily routine in each home, Jai described a lack of structure and routine at his mom's home that he finds very stressful. He also described Cheryl as "very stressy," having a panic attack when she loses her keys, for example. Conversely, Jai's description of Cory's home is one of consistency. He described it as relaxing and comfortable.

29. In summary, Dr. Mullin reported that Jai feels valued by his father and believes that Cory provides him with a cooperative and encouraging environment, whereas he and Cheryl do not get along because she is argumentative and confrontational. He does not feel genuinely supported by Cheryl.

30. At trial, Dr. Mullin confirmed that Jai did not want to voice a preference for a parenting time schedule, but that he viewed the interview as a welcome opportunity to share his experiences. Dr. Mullin testified it was not unusual for a child to ask that no one read the report as was requested by Jai. In response to a question asked by Cheryl's attorney, Dr. Mullin testified that she could draw causation between Jai's nervousness and his being untruthful to protect one parent or another.

31. Dr. Mullin noted she was not retained to formulate an opinion about the parents, vet the allegations made by Jai, or conduct collateral interviews; her sole purpose was to report Jai's experiences.

32. Cheryl has repeatedly expressed concern that Jai was not truthful with Dr. Mullin about his mother's conduct and the dutiful care she has provided Jai. E.g., Cheryl's Pre-Trial Memorandum, filed March 7, 2022, p. 8. Cheryl argued that Jai failed to be honest about Cheryl's positive qualities and was not honest about the negative feelings he expressed about Cheryl. *Id.*

33. Cheryl had three witnesses testify regarding her relationship with Jai. Sabrina Fox confirmed the accuracy and truthfulness of her previously filed sworn statement admitted as Defendant's Exhibit N. Ms. Fox's statement details an incident in November 2019 during which

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Cory rushed into the yoga studio during a class. She described him as bullying Cheryl and upsetting Jai who was present during the incident. Ms. Fox described Cory as threatening to herself and the other students. Ms. Fox did not indicate that she heard anything specific other than Cheryl telling Cory to get out and did not give more information about Cory's bullying of Cheryl or how he was threatening to the class.

34. Lauren Verona testified as to the accuracy of her statement, admitted as Defendant's Exhibit T. Ms. Verona described herself and Cheryl as rather close and testified that she knew Cheryl to be selfless and beloved in the community, and a supportive and devoted mother. However, on cross-examination, Ms. Verona admitted she had only seen Cheryl and Jai together five times over the 10 years that she had known Cheryl and that her description of Cheryl's relationship with Jai was based upon what Cheryl told her.

35. Susan Moraleda, Jai's art teacher, was called to testify to Cheryl's involvement in Jai's schooling and activities. Ms. Moraleda testified that Cheryl was actively involved in Jai's education because she saw Cheryl at school weekly.

36. Cheryl attempted to admit her "specific" OFW messages between the parties as an Exhibit. The specific messages offered by Cheryl represented 113 pages of the 501 total pages of OFW communications. Opposing counsel objected to admission of the incomplete record and the Court directed that the entirety of the record be provided for the Court's review. Upon receipt, the Court reviewed the entire 501-page exhibit to get a sense of the parties' communication with one another.

37. Notwithstanding that the entire OFW record was ultimately admitted as an exhibit, the Court presumes the 113 pages Cheryl specifically selected were intended to show her in a positive light and Cory in a less than positive light. The Court finds that the messages selected by Cheryl to introduce as evidence did not actually flatter her nor did they raise dispositive questions about Cory's ability to co-parent and cooperate with Cheryl.

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38. However, it was clear from the OFW messages that the parties have vastly different communication styles. Cory is conflict avoidant and Cheryl reacts to his avoidance by being overbearing. At times, Cheryl was relentless in her efforts to elicit communication from Cory and Cory communicated less than what is needed to have a cooperative co-parenting relationship. They both go out of their way, at times, to push the other's buttons and be difficult.

39. While there are hundreds of examples of this dynamic, the Court will refer to a particularly illustrative exchange. On page 53 of 501, Exhibit DD, Cheryl lets Cory know she was aware that Jai went to the park. She informs Cory that "[t]he virus has been spread at parks recently and is now affecting younger people because of the parks." She went on to tell him they are "both aware that [Jai] bites his nails and that this virus lives on surfaces. Please be mindful. Please make sure he is handwashing."

40. While that seemed like enough, Cheryl goes on to inform Cory that she put "some doterra onguard[5] in all of [her] soap dispensers. That the oil can be bought online with Amazon and could be a good idea. Please do the best to keep Jai and yourself mindfully safe and cautious." Cory responded by reassuring her that they "went to the park but [that he doesn't] let him in the play ground (sic)." He tells her they play in the fields and otherwise stay home.

41. A few messages later, Cheryl emailed Cory to say that Jai told her they went to a National Park and that there were "lots of people there." She reminded him that she had just sent an email about parks and the threat of spreading the virus and noted that Jai has since coughed on her. Again, "[p]lease be mindful to respect what we have been asked to do" - stay at home. "We know 12-year-old boys touch things and we know he nail bites." She went on to point out that her immune system is more vulnerable since she is 15 years older than him and because of the constant stress of their ongoing divorce. In case that was not enough, she then emphasized,

[5] An essential oil formulation.

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"[p]lease DO NOT take Jai to ANY parks during this pandemic. You are putting multiple people at risk especially me, since you put him in that social situation the day before you dropped him with me."

42. Cory responded by telling her it was a State Park, not a playground, and there were wide open spaces, and that they did not come into contact with people.

43. Undoubtedly, Cheryl does not recognize her tone is perceived as scolding and condescending or that her extraneous commentary and admonishments are unnecessary.

44. In another exchange, Cheryl told Cory that Jai mentioned wanting to color his (Jai's) hair. She then tells Cory that she will set up an appointment with the person who did it last time and asks Cory "[p]lease do not color his hair elsewhere because she knows the products he had before were safe and had a positive result with a person I can trust since we need to be mindful the risks of bleach and his appearance for Nevada Ballet Theater." Six days later, she noted that Jai had bleached out hair. Her reaction is to scold Cory because she "sent an email on the Family Wizard regarding my concerns about this and without responding to me whatsoever you allowed Jai to do it."

45. These exchanges, in and of themselves, were not dispositive of anything; they did not definitively inform that one parent is a problem. What they did do, however, is confirm what Jai reported in his interview. He described that Cheryl was a little selfish and quick to express her displeasure if Jai did not do what he is told to do. He believes Cheryl has a hard time letting things go and will badger to get her point across. Cory's messages were more to the point, and he did not belabor issues. He was mostly respectful (or, at least, not disrespectful) of Cheryl's beliefs regardless of whether he agreed with them. The fact is that the OFW emails provide ample evidence that the parties are exactly the people Jai perceives them to be.

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46. The OFW messages validated two other perceptions for the Court: Jai turned to Cory when there was trouble, and Jai just seemed to prefer to communicate with his dad. Throughout the two plus years of messages, Cheryl regularly expressed her frustration that Jai would unfailingly contact Cory while he is in Cheryl's care, but that Jai did not contact her while he is with Cory. Cheryl blamed Cory for failing to make Jai call her and reminded him that she was "entitled" to a daily call by Court order. Cory explained repeatedly that he could only do so much to make their teenage son speak with her. It did not occur to Cheryl that Jai called his dad because he wanted to and Jai did not call her because he did not want to.

47. There was also a recurring theme of Jai and Cheryl butting heads and Jai looking to Cory to rescue him. Cheryl assumed Cory is complicit in that dynamic, but there was substantial evidence of Cory's efforts to smooth over their discord. His efforts, though, were directed at Cheryl and suggestions for how she might better approach Jai. Because Cheryl did not consider that she may be part of the problem, she focused on what Jai had done to cause the problem - or what Cory had not done to fix things.

CONCLUSIONS OF LAW

Jurisdiction:

The Court has personal jurisdiction over the parties and subject matter jurisdiction over the child custody issues as Nevada is Jai's home state. The parties are entitled to a divorce on grounds they are irreconcilably incompatible in marriage.

Child Custody:

Cheryl has asked for joint legal custody and joint physical custody and argued that the current week-to-week timeshare was in Jai's best interests. Cory has sought joint legal custody and primary physical custody and requested Cheryl have visitation every other Friday through Monday. The Court's analysis of these requests for relief follows.

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In considering these requests, the Court is guided by NRS 125C.0025 which provides:

> *1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:*
>
> > *(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or*
> >
> > *(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

Cheryl wants joint physical custody and Cory wants primary physical custody; accordingly, the parties do not have an agreement. Each parent has demonstrated a meaningful relationship with Jai.

THE COURT CONCLUDES that the preference in favor of joint physical custody has not been met.

The Court must also consider presumptions against joint physical custody pursuant to NRS 125C.003 which states in relevant part:

> *Best interests of child: Primary physical custody; presumptions; child born out of wedlock.*
>
> *1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:. . .*
>
> *(c) there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child, or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.*

This section directs the Court to presume an award of joint physical custody is not in a child's best interests if domestic violence is proven. Cheryl opposed Cory's request for primary physical custody on the premise that he has engaged in domestic violence against her. However, Cheryl is seeking an award of joint physical custody - not arguing against it. Therefore, without

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addressing whether Cheryl proved domestic violence by clear and convincing evidence, the COURT CONCLUDES that the statutory preference of NRS 125C.003(1)(c) does not apply to these circumstances[6].

Regardless, joint physical custody is not automatically granted. The law in Nevada provides several factors the Court is required to consider in evaluating the children's best interests pursuant to NRS 125C.0035(4) and *Davis v. Ewalefo*, 131 Nev. 445, 352 P.3d 1139 (2015), which provide, "In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

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

Great expense and effort was invested in determining Jai's wishes as to his physical custody. At the initiation of the case, the parties mutually agreed Jai was of sufficient age and capacity to form an intelligent preference. Defendant's Opposition and Countermotion for Temporary Orders and Related Relief filed August 6, 2010, p. 10. Cheryl subsequently retracted her agreement to this premise and argued that Jai's custodial preference was influenced by Cory's coaching and alienation tactics and was, therefore, not an intelligent preference.

The statutory question, though, is whether Jai is of sufficient age and capacity to form that preference. Jai is 14.5 years old and, inarguably, of sufficient age to form a preference. By all accounts, Jai is mature and intelligent. The child interview report describes his "stream of mental activity" as logical, relevant, and coherent. THE COURT CONCLUDES Jai is of sufficient age and capacity to form an intelligent preference as to his physical custody.

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[6] Notwithstanding, when evaluating what is in Jai's best interests - the underpinning of any physical custody determination - evidence of domestic violence remains a highly relevant, statutorily mandated consideration and will be addressed in later sections of the decision.

That being said, Jai was careful not to express a custodial preference. He understood the purpose of the interview with Dr. Mullin was so he could give his opinion regarding custody and he willingly (albeit nervously) participated so he could share his experiences. Jai spoke of the pressure exerted by Cheryl to ask for fifty-fifty custody and spoke of his fear that his mother would confront him and argue with him if she were to read his statements. When asked by Dr. Mullin about his ideal schedule at each parent's home, Jai was very literal in his answer and said he would like to wake up at 9:00 a.m. rather than 5:00 a.m. when at his dad's house and that he desired to have a schedule at his mom's home. When Dr. Mullin asked Jai directly for his preferred parenting time schedule, Jai stated that he preferred not to answer.

In her closing brief Cheryl argued that Jai had not stated a preference; that he expressly chose not to state a preference. She is correct. THE COURT CONCLUDES this factor is neutral.

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

THE COURT CONCLUDES nomination of a guardian is not relevant in these proceedings between two parents.

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

Cheryl expressed great concern regarding Cory's willingness to foster her relationship with Jai. The Court heard testimony - supported by prior Orders entered early in the case - about Cory's inflexibility around the Mother's Day and Thanksgiving holidays. Cory's failure to be flexible or reasonable is not evidence of an unwillingness to foster Cheryl's relationship with Jai. Nor do those examples reflect an unwillingness to allow Jai frequent associations. The testimony relevant to this consideration is whether Cory failed to comply with the Court's custody orders or somehow interfered with Cheryl's contact with Jai. There was no testimony to that effect[7].

[7] As noted in the Findings of Fact, *supra*, there were countless OFW emails wherein Cheryl reminded Cory of his obligation to ensure that she had a daily telephone call with Jai. In those messages, she insisted Cory was interfering in her right to speak with Jai. The Court has addressed that allegation: Jai was 14

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THE COURT CONCLUDES this factor does not favor either party.

(d) The level of conflict between the parents.

Both parties characterized their relationship as highly conflicted and it is. Both parties blamed the other for the conflict and neither considered their own contribution. Cory is non-communicative and passively aggressive. Cheryl is overbearing and accusatory in her communications.

Each described their desire to effectively co-parent, although Cory also indicated that he has decided it is not possible to co-parent with Cheryl and has stopped trying. Cheryl believes Cory is failing to co-parent; thus, she is not willing to consider her role in their discord and modify her behaviors to achieve the co-parenting relationship desired. Consequently, the Court sees the parties as hopelessly conflicted.

More importantly, neither party seems concerned with shielding Jai from their conflict. According to Jai's interview, Cheryl regularly involves him in the Court proceedings despite his pleas to be left out. The OFW messages reflect that Cheryl added Jai to the OFW account and suggested to Cory that Jai participate in the parties' communications about him. She was angry when Cory removed him from the account.

Jai confirmed that Cory speaks to him about Court, as well. And it is well-documented that Jai had to participate as a witness for the defense so that Cory was not found to be in violation of the TPO (a violation would also mean he failed to comply with the "stay out of trouble" condition of his no contest plea). At trial, Cory blamed Cheryl for Jai having to testify and never acknowledged his own responsibility for putting Jai in that position.

THE COURT CONCLUDES this factor does not favor either party.

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years old and knew how to contact a parent he wants to speak with. The Court does not find Jai's unwillingness to contact Cheryl applicable to the current factor.

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

As conflicted as the parties are, they mostly come together to ensure that Jai gets what he needs. There has had to be coordination with making therapy appointments and transporting Jai to them, and they have had to cooperate to meet the demands of Jai's busy dance performance and practice schedule, for example. The problems arise when one or the other thinks what they are being asked to do is for the other parent's benefit, and not their son's. When Cheryl needed Cory's cooperation to ensure Jai could be transported to school via bus from her home, Cory disregarded the urgency or was primarily concerned with whether that cooperation would suggest to the Court he is okay with sharing physical custody. When Cheryl made demands related to COVID safety at the start of the pandemic, Cory was receptive when the conversation was about protecting Jai. When Cheryl's concerns appeared to be about protecting herself, Cory was unresponsive. The well-being of both Cheryl and Cory is essential to Jai's well-being, but neither sees the need to consider the welfare of the other as part of their responsibility to Jai.

THE COURT CONCLUDES this factor does not favor either party.

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

Both parties testified they are physically and mentally healthy.

THE COURT CONCLUDES this factor does not favor either parent.

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

Neither party testified that Jai has any special physical, developmental or emotional needs and his general well-being is discussed in other sections.

THE COURT CONCLUDES both parents are equally equipped to meet Jai's needs.

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

Everything else being equal, Jai's relationship with each parent is the tiebreaker in this case. Jai's interview by Dr. Mullin ultimately resulted in Jai sharing his experience with each parent and in each parent's home. He enjoys his dad's company, feels supported and understood

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by him. He is relaxed at Cory's home and appreciates the consistency and routine Cory provides. Cheryl's home is stressful for him because she is anxious and stressed. There is no routine and that causes him discomfort. He finds his mom to be argumentative and unrelenting, at times. He feels accepted by Cheryl only when his opinion is in line with hers and described feeling invalidated by her comments. That is Jai's truth.

At trial and in her closing brief, Cheryl made much about the Court's pre-trial comment that "Jai's perception is his reality." The Court's comment was made in response to Cheryl's request to have Jai testify at trial with the intent of discrediting him, proving that he was lying about his experiences with her. Cheryl argued before and after trial that she was a dutiful and present mother and that Jai was dishonest with Dr. Mullin when he described her as a workaholic, absent parent. At trial, she brought witnesses to refute the content of Jai's interview statements.

Cheryl completely missed the point of the Court's comment: Jai was not a witness being asked to recall objective facts such as whether the light was green. Jai was sharing his *feelings*. If Jai says he does not recall his mother being present or tending to his needs and therefore he prefers to be with his father, that is his reality. Ironically, Cheryl's inability to validate Jai's feelings - regardless of whether she believes them to be objectively true - is exactly what he has complained of: his mother does not understand him, his mother does not support him.

Jai did not need to state a custodial preference for the Court to consider. Jai shared the nature of his relationship with each parent and expressed decidedly more positive feelings about his relationship with Cory and that makes this otherwise difficult case easy.

THE COURT CONCLUDES Jai's relationship with Cory is more comforting to him than his challenging relationship with Cheryl. This factor strongly favors Cory.

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

Jai's only sibling, Sienna, is an adult. Sienna and Jai maintain a relationship independent of Cory and Cheryl. However, Cheryl and Sienna are estranged so that Jai spending time with Sienna only happens when he is with Cory.

THE COURT CONCLUDES this factor favors Cory.

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

Neither party presented evidence of parental abuse or neglect of the child or a sibling of the child.

THE COURT CONCLUDES this factor is inapplicable.

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

The relevance of this factor is elaborated on in NRS 125C.0035(5). According to subsection (5), upon clear and convincing evidence that a parent has perpetrated domestic violence, the Court must presume that sole or joint custody by that perpetrator of that violence is not in a child's best interests. The presumption created is rebuttable. Cheryl provided the Court with evidence of domestic violence by Cory. Some of that evidence is addressed *supra*.

In addition to the alleged domestic violence at Jai's school, Cheryl called Carol Kohn-Mannis, LCSW, to testify about her experience with Cheryl and Cory during a therapy session with Cheryl in July 2019. Ms. Kohn-Mannis was also the author of Defendant's Exhibit P, admitted into evidence over Plaintiff's objection. The report and Ms. Kohn-Mannis's testimony were consistent.

Exhibit P explained the specific circumstances of the therapy session: Cheryl was sobbing and desperate to save her marriage. Cory was brought into the session and confirmed that he wanted the divorce and explained why. The report said Cory's anger escalated in the course of the discussion until he was "yelling and screaming, calling the client a liar and . . . walking out of

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the session slamming the door." The report indicates Cheryl was hysterical and in a panic, stressed and overwhelmed by the situation. *Id*. at CS 53. Ms. Kohn-Mannis reported she spent the rest of the session helping Cheryl process the history of psychological and emotional abuse which Cheryl had not recognized previously. Ms. Kohn-Mannis further reported that Cheryl was "heartbroken" that she worked 7-days a week while Cory stayed home with their son (an assertion made by both Cory and Jai that Cheryl denied throughout these proceedings).

In her testimony, Ms. Kohn-Mannis confirmed that at the July 2019 session, Cory was explosive, slammed his fist and called Cheryl names. She testified those were acts of domestic violence against Cheryl regardless that he had not actually struck her. The Court does not theoretically disagree. However, the Court does not find that this witness's progress notes of an incident in 2019, and her testimony regarding that one singular episode is clear and convincing evidence an act of domestic violence has occurred.

Moreover, the relevance of this evidence is questionable where Cheryl is seeking joint physical custody. There would have to be some additional justification or explanation for why the presumption should impact Cory's request for primary physical custody, but not her request for joint physical custody. Arguably, Cheryl herself believes the rebuttable presumption created by NRS 125C.0035(5) is rebutted by the other considerations about what is in Jai's best interests, or she would not be advocating for joint physical custody.

THE COURT CONCLUDES this factor does not favor either party in light of their requested relief.

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

Neither party has alleged parental abduction by the other.

THE COURT CONCLUDES this factor is inapplicable.

(m) Other best interests' considerations.

None. THE COURT CONCLUDES this factor is not applicable.

THE COURT CONCLUDES, after an analysis of the statutory factors, it is in Jai's best interests that Cory have primary physical custody. THE COURT FURTHER CONCLUDES that neither party is better equipped than the other to make decisions that are in the child's best interests, and they should exercise joint legal custody.

Child Support:

NAC 425.115(2) obligates the non-custodial parent to pay child support to the child's primary physical custodian. For one child, NAC 425.140 directs the obligor to pay 16% of their gross monthly income - up to $6,000.00 - as and for child support. Cheryl filed a Financial Disclosure Form (FDF) on March 7, 2022, and reported a net monthly business income of ($96.97). Cheryl also claimed net rental income of $650.00 a month, and unexplained other income of $880.00 per month for a total gross monthly income (GMI) of $1,530.00. Cory's GMI is $6,250.00 per his FDF filed March 4, 2022.

THE COURT CONCLUDES applying the NAC to Cheryl's gross monthly income results in a base child support obligation of $233.00 per month.

Further, NAC 425.135 directs the Court to consider the cost of health insurance coverage for the minor child and NAC 425.130 requires consideration of whether either parent incurs day care expenses for the child. Jai's medical insurance needs are covered by Cory through his employer; he pays $133.06 per month for Jai's coverage. Neither party reported day care expenses.

Any out-of-pocket medical expenses incurred on behalf of the minor child shall be equally divided between the parties. As noted, Cheryl is insistent that Cory use the medical providers she deems most qualified regardless of whether they are covered by Cory's insurance; Cory objects to

her selection when there are in-network providers who provide the same service. To minimize unnecessary expenses, the parties are to use an in-network provider.

Constructive Child Support Arrears:

Cheryl is seeking constructive child support arrears based upon the parties' exercise of joint physical custody during the pendency of the divorce and Cory's greater income. However, at hearing on December 3, 2019, Judge Gentile ordered that neither party owed child support to the other. THE COURT CONCLUDES, there is no basis for the Court to consider an award of constructive child support arrears.

Future Proceedings:

Cory has been admonished by the Court once before about being obstructive, unreasonable and inflexible in dealing with Cheryl. The Court's review of the parties' total communications suggests they are equally unreasonable and inflexible with one another. The Court will not tolerate their continued failure to work with one another. Neither party shall file a post-divorce Motion with the Court to address custodial issues without first attending mediation (either privately or through FMC). Upon filing a Motion, the Court expects the moving party to have evidence of their own flexibility with the other party and proof of their own respectful communications.

DECREE OF DIVORCE

NOW, THEREFORE, IT IS HEREBY ORDERED that the bonds of matrimony heretofore and now existing between the parties are wholly dissolved, and that an absolute Decree of Divorce is hereby granted to the parties, and each of the parties are hereby restored to the status of single, unmarried person.

IT IS FURTHER ORDERED that the issues of community property and community debt division remain unresolved, and the Court retains jurisdiction to take evidence and enter Orders regarding same.

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IT IS FURTHER ORDERED that the parties shall share joint legal custody.

IT IS FURTHER ORDERED that Cory shall have primary physical custody of Jai, subject to Cheryl's visitation.

IT IS FURTHER ORDERED that Cheryl shall have visitation the 1st and 3rd weekends of the month, as well as the 5th weekend if there is one. Visitation shall be from Friday after school through Monday at school drop off. When there is no school on a Friday or Monday, Cheryl's visitation shall begin from Friday at 3:00 p.m. and end Monday at 9:00 a.m. Also, when school is not in session on either Friday or Monday, the receiving parent shall provide transportation. For purposes of this timeshare, the first weekend of the month is defined as beginning the first Friday of the month.

IT IS FURTHER ORDERED that a holiday and vacation schedule will be addressed at further proceedings. Any holidays that arise prior to those further proceedings shall be exercised consist with the regular timeshare ordered herein, except that any holiday or vacation travel plans that were made before this Order in anticipation of a different schedule shall be accommodated by the other parent.

IT IS FURTHER ORDERED that both parties are encouraged to attend Jai's school events and participate in his extra-curricular activities when there are performances. Transportation to/from Jai's daily performance practices and participation in those practices and/or rehearsals shall be the responsibility of the parent having custody.

IT IS FURTHER ORDERED that the parties shall equally divide any and all costs associated with Jai's current extra-curricular and school mandated activities. Jai shall not be enrolled in any new extra-curricular activities absent agreement of the parties. If there is no agreement, Jai may be enrolled in a new activity only if: 1) it does not take place during the other parent's timeshare; and, 2) the enrolling parent pays 100% of the cost associated with the activity.

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Regardless of who enrolls Jai in a new activity under these rules, both parties are still entitled to participate as set forth in the preceding paragraph.

IT IS FURTHER ORDERED that Cheryl shall pay child support to Cory of $300.00 per month effective April 1, 2022. This amount represents Cheryl's child support as calculated by NAC 425, plus her one-half contribution to Cory's health insurance coverage for Jai.

IT IS FURTHER ORDERED that Cheryl's request for constructive child support arrears is denied and neither party has an outstanding or unpaid obligation for child support owed to the other through March 31, 2022.

IT IS FURTHER ORDERED that Cory shall supply Cheryl with the information necessary to identify in-network health care providers. If Cheryl insists on using an out-of-network medical provider, she will bear 100% of the out-of-pocket expense for that provider. If the parties mutually agree to use an out-of-network provider, they will equally divide the cost.

IT IS FURTHER ORDERED that all in-network, out-of-pocket expenses shall be equally divided by the parties pursuant to the 30/30 Rule.

IT IS FURTHER ORDERED that the parties shall continue to utilize Our Family Wizard for all communications. The minor child shall not have access to the Our Family Wizard account or messages sent/received thereon.

IT IS FURTHER ORDERED that any post-divorce Motion shall be filed with proof that the moving party first attempted to resolve the issue through FMC mediation or private mediation and must include evidence of their own flexibility with the other party and proof of their own respectful communications. Failing to first mediate or failing to provide the expected evidence will result in the Motion being denied and attorney's fees awarded.

IT IS FURTHER ORDERED any claim for spousal support is waived.

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IT IS FURTHER ORDERED that the matter is set for a Pre-Trial Conference June 9, 2022, 11:00 a.m. for purposes of setting a date for the Court to hear and decide the division of property and debts. Given the parties' financial circumstances and their limited assets and debts, the parties shall continue efforts to negotiate a resolution to the property and debt division. Attorney's fees will be awarded if either party maintains a position at Trial that is untenable under Nevada's community property and community debt laws.

IT IS FURTHER ORDERED that each party's request for attorney's fees is deferred to the bifurcated property and debt proceedings.

IT IS FURTHER ORDERED that any Order for Protection that may still be in effect against Cory in Case Number T-20-202987-T shall expire on this date at midnight.

IT IS FURTHER ORDERED that Defendant's Supplemental Exhibits to Closing Brief filed March 25, 2022, is stricken.

STATUTORY NOTICES

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6): PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

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NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
>
> (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
>
> (b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the nonrelocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the parties are subject to the provisions of NRS 31A and 125.007 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support every three years pursuant to NRS 125B.145.

Dated this 8th day of April, 2022

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Amy M. Mastin
District Court Judge

AMY M. MASTIN
DISTRICT JUDGE
FAMILY DIVISION, DEPT. M
LAS VEGAS, NV 89101

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DISTRICT COURT
CLARK COUNTY, NEVADA

Cory Lawrence Colley, Plaintiff vs. Cheryl Ann Slader, Defendant.	CASE NO: D-19-590338-D DEPT. NO. Department M

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 4/8/2022

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CLERK OF THE COURT

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CHERYL ANN SLADER

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant, vs. CHERYL ANN SLADER, Defendant/Counterclaimant.	CASE NO. : D-19-590338-D DEPT. NO.: M DATE OF NON-JURY TRIAL: March 11, 2022 TIME OF HEARING: 1:30 p.m.

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

TO: CORY LAWRENCE COLLEY, Plaintiff/Counterdefendant; and,

TO: FRANK A. LEAVITT, ESQ., Attorney for Plaintiff/Counterdefendant.

Please take notice that a Findings of Fact, Conclusions of Law and Decree of Divorce was entered in the above-referenced matter on the 8th day of April, 2022, a copy of which is attached hereto.

Dated this 7th day of June, 2022.

VACCARINO LAW OFFICE

/s/ Patricia L. Vaccarino, Esq.
PATRICIA L. VACCARINO, ESQ.
Nevada Bar No. 005157
10161 Park Run Drive, Suite 150
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Attorney, IN AN UNBUNDLED CAPACITY,
for Defendant/Counterclaimant,
CHERYL ANN SLADER

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that, pursuant to NRCP 6 and NEFCR 9, on the 7th day of June, 2022, I caused a true and correct copy of the following **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE** and **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE** to be served, via Wiznet, to:

Frank A. Leavitt, Esq.
Frank@LeavittLawFirm.com

Matthew Layton, an employee of the
VACCARINO LAW OFFICE

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CORY LAWRENCE COLLEY,

Plaintiff,

v.

CHERYL ANN SLADER

Defendant.

CASE NO.: D-19-590338-D
DEPARTMENT: M

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

This matter having come on for Trial before the Court on March 11, 2022; Plaintiff, CORY LAWRENCE COLLEY (Cory), present in-person and represented by Frank A. Leavitt, Esq.; Defendant, CHERYL SLADER (Cheryl), present in-person and represented by Patricia L. Vaccarino, Esq.; the Court having heard the testimony of the parties and their witnesses, having weighed the credibility thereof, having reviewed the exhibits that were admitted into evidence and the pleadings and papers on file herein, issues its Findings of Fact, Conclusions of Law, and Decree of Divorce.

PROCEDURAL HISTORY

Cory and Cheryl were married on February 28, 2007. They are the parents of Jai Sting Colley (Jai), born June 28, 2007. Jai will be 15 years old in 2 months.

The case was initiated by Cory with the filing of his Complaint for Divorce on May 30, 2019. Within his Complaint, Cory sought joint legal custody, but primary physical custody of Jai based upon Cheryl's time-consuming, dance troupe tour schedule. Shortly after filing his Complaint, Cory filed a Motion for Alimony and Settlement of Marital Home and Credit Cards. Cory was asking for a nominal, one-time alimony payment of $800.00 to enable him to get by until he started school full-time the following month. Cory was also seeking to ensure the marital

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residence be sold or that Cheryl buy-out his half of the equity; he alleged Cheryl intended to allow the home to go into foreclosure to spite him. He was also looking to stop the parties from ongoing spending on their joint credit card, claiming he had no access to the card and Cheryl had allegedly "maxed out" the card.

Cheryl was served with the Complaint July 3, 2019[1], and filed her Answer July 25, 2019. Cheryl's Answer and Counterclaim sought joint legal custody - with greater decision-making power regarding Jai's education and extra-curricular activities - and primary physical custody. Cheryl's Opposition to Cory's Motion was filed August 6, 2019; she counter moved for temporary orders. The temporary orders sought by Cheryl were for primary physical custody of Jai and supervised visitation for Cory. In support of her requests, Cheryl alleged that she had been the subject of Cory's rage and violence throughout the marriage and that Jai was negatively influenced by Cory's treatment of her. She believed Cory was driving a wedge between her and Jai by bad-mouthing her to Jai. At the same time, Cheryl incongruently alleged that Jai's alignment with Cory was a result of Jai fearing his dad and being scared to express his personal preference to be in Cheryl's care.

Prior to the Court's hearing on the motion/countermotion for temporary orders, the parties were referred to the Family Mediation Center (FMC) so that they could first attempt to resolve the custody issues themselves. That effort proved unsuccessful, and the Court made temporary custody and financial orders at a hearing on December 3, 2019. The Court granted Cheryl exclusive possession of the marital residence (a request unopposed by Cory) and granted the parties joint legal and joint physical custody on an alternating weekly basis. The parties were ordered to conduct the custody exchanges at Jai's school, or at Cheryl's yoga studio if school was

[1] The same day she was served with Cory's Complaint for Divorce, Cheryl filed for a Temporary Order for Protection (TPO) against him. This Court was the assigned Hearing Master at the time of her Application. The Court reviewed Cheryl's Application and heard her *ex parte* testimony at the initial TPO hearing. The request for TPO was denied as there was no allegation of domestic violence pursuant to NRS Chapter 33.

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not open. The Court found the parties had similar incomes or income earning capacities and found no child support should be awarded. Based upon the parties' stipulation, it was also ordered that Jai begin therapy.

Shortly after the December 2019 hearing, issues between the parties escalated. Cheryl filed for her second Order for Protection against Cory on January 16, 2020, based upon an incident at Jai's school the day before that led to Cory's arrest for battery domestic violence. The TPO application alleged that Cory went to Jai's school to pick up Jai on Cheryl's day. Cheryl put her identification on the check-in scanner and Cory "forcefully" tried to put his identification in front of hers. The Application alleged "then [Cory] threw mine (sic) phone at my hand." The incident was caught on the school's security camera and Cory was arrested. In her TPO Application, Cheryl requested sole custody of Jai with no visitation for Cory alleging it was unsafe for Jai to be in his custody. The TPO was granted, as was the custody-related relief requested in her Application.

Cheryl then filed an emergency motion in the parties' divorce case seeking an extension of the TPO as well as a modification of the custody order that granted the parties joint physical custody; she was seeking sole physical custody. The basis for her request to modify custody was the school incident and various violations of the Court's mutual behavioral order. Cheryl noted three specific incidents of Cory initiating contact with her significant other, one of which was the incident at Jai's school on January 15, 2020. That sort of contact was expressly prohibited by the mutual behavioral order.

The Court heard the TPO extension on January 29, 2020. The TPO extension hearing was continued to February 26, 2020, to give Cory time to respond to Cheryl's recently filed Motion to Modify Custody. The TPO was continued until the next hearing; however, the Court modified the TPO to reinstate the parties' week-to-week custodial schedule. Cory filed an Opposition to

Cheryl's Motion to Modify Custody and a Countermotion that sought to enforce his custodial rights on February 4, 2020.

At the February 26, 2020, hearing, the Court again continued the hearing on extension of the TPO and continued the TPO until the continued hearing date. The parties were referred for a Senior Judge Settlement Conference. In the event they did not settle the case at the Senior Judge Settlement Conference, the Court ordered that Jai submit to a videotaped interview by a psychologist. The parties were given permission to submit questions to the interviewer.

The Settlement Conference was continued for reasons unknown to this Court. In the interim, the District Court addressed the pending requests for relief at hearing on April 28, 2020, and ordered as follows: the TPO was extended until the next hearing, July 7, 2020[2], with all exceptions to the TPO terms intact; the parties were given permission to record all conversations; Jai was to continue therapy and the parties were Ordered to initiate family therapy forthwith.

The Settlement Conference finally took place June 10, 2020, with Senior Judge Ames. The parties were unsuccessful in mediating an agreement. They next appeared in Court on October 21, 2020, for a Pre-Trial Conference and the setting of trial. By then, Cory had filed another motion to address timeshare issues and to request primary legal custody. The Court set a half-day trial for March 3, 2021, and directed that the balance of the issues raised in Cory's newest Motion and Cheryl's responsive Countermotion would be addressed on December 2, 2020. The Court's tone at the Pre-Trial Conference was one of frustration at the parties' unwillingness to negotiate and compromise.

The Court's frustration was even more apparent in its November 25, 2020, Minute Order that disposed of the remaining issues from Cory's Motion to Modify Custody and Cheryl's newly filed Motion seeking reconsideration of the Court's Thanksgiving holiday schedule, which Cory

[2] The TPO was ultimately extended at every subsequent hearing so that it remained in place - subject to the custody exceptions Ordered by Judge Gentile - until the time set for trial.

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opposed. The Court's irritation was directed at Cory who had unreasonably refused to grant Cheryl Thanksgiving holiday visitation starting on Tuesday, November 24, 2020, rather than on Wednesday, November 25. Cheryl's request for the additional day was because school broke for the Thanksgiving holiday on Tuesday (versus the more typical Wednesday start of the holiday weekend) and since she was awarded the Thanksgiving holiday, she made out-of-state plans with Jai starting after school on Tuesday. Cory's position was that the Court ordered that Thanksgiving break was from Wednesday through Sunday and that Cheryl was not entitled to take Jai on vacation starting Tuesday.

At hearing on the matter, Cory was expressly admonished not to continue to be an obstructionist or inflexible just for the sake of being inflexible. The Court ordered that all remaining issues regarding the parties' timeshare would be addressed at the upcoming trial in March.

Two months later, the parties were back in Court. Cory had filed a Motion for Jai to testify by alternate means and to continue the March trial. Cheryl filed a limited opposition to the request to continue the trial, asking only that the Court further extend Cheryl's protection order until the new trial date. However, Cheryl did vigorously object to allowing Jai to testify by alternate means. Her objection was that Jai's opinion would solely be the result of Cory's coaching, coercion, and alienation. Cheryl alleged that Jai would say whatever Cory wanted him to out of fear of reprise or to please Cory. Cheryl, instead, proposed that Jai be subject to a custody evaluation so that his preference - or what was in his best interests - could be deduced by a professional, rather than determined by Jai himself.

The Court ordered that Jai be interviewed by his current therapist, Matt Stoll, with whom Jai already had an existing relationship. Mr. Stoll declined to interview Jai and the trial was further delayed so that the interview could be conducted by an outsource provider. The parties ultimately agreed Dr. Bree Mullin would conduct the interview. That process delayed the

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proceedings from May 2021 through December 2021. A continued Pre-Trial Conference was conducted December 9, 2021, after receipt of the child interview report. It was represented by counsel for both parties that there were active settlement negotiations and that the matter could likely be resolved. The Court set a firm half-day trial date of March 11, 2022.

Following the Pre-Trial Conference, Cheryl retained new counsel. A motion was filed seeking unredacted records from Child Protective Services (CPS) and seeking clarification of the permitted access to and use of Dr. Mullin's report at trial. The Court ordered that CPS records could not be provided unredacted, hat Dr. Mullin could be called as a witness at trial, that Jai could be called to testify at trial, and that the parents could view the entirety of Dr. Mullin's report[3]. Counsel for Cheryl also expressed great concern that the parties were only afforded a half-day trial for issues of such consequence. The Court noted the half-day setting was ordered by Judge Gentile back at hearing October 2020 and that counsel had to be judicious in their use of time. The Court also agreed to consider hearing the property and debt issues at a separate proceeding.

In his Pre-Trial Memorandum, Cory confirmed that he was seeking joint legal custody of Jai and primary physical custody. He asked that the Court order visitation for Cheryl every other weekend, from Friday evening through Monday morning. In hers, Cheryl confirmed she was seeking joint physical custody, constructive child support arrears, current child support, and attorney's fees. Cory listed two witnesses in addition to the parties (one being Dr. Mullin). In spite of the Court's firm time limitation, Cheryl listed 22 witnesses in addition to the parties; she did not identify Dr. Mullin as a witness in her case-in-chief.

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[3] Previously, counsel had agreed with Dr. Mullin's request that the parents only be given a verbal summary of the report after their *in camera* review. This request from Dr. Mullin was in response to Jai's concerns that Cheryl would confront him and argue with him after reading his statements in the report.

At the conclusion of trial, the Court directed that Cheryl's Exhibit DD, select messages between the parties from Our Family Wizard (OFW), be supplemented so that the Court would have the parties' entire record of communication. The Court also granted the parties time to make written closing arguments. The Court was in receipt of all requested documents prior to issuing the following decision[4].

FINDINGS OF FACT

1. The parties were married for 12 years at initiation of the present divorce case. There was one child born of the marriage, Jai, now age 14.5 years old. Cheryl is also the mother to an adult daughter, Sienna, with whom she does not currently maintain a relationship. Cory has been Sienna's stepfather since she was 7 years old. Cory and Sienna are in regular communication and see one another often. Jai's contact with Sienna takes place through Cory.

2. The parties separated homes shortly after Cory filed for divorce. Cheryl continued to reside in the former marital residence; Cory moved to a new residence.

3. Throughout the marriage, and post-separation, Cheryl has owned a yoga studio. She is also teacher at the studio and Cory would fill in and teach when needed. Early pleadings in the case reflect that, pre-pandemic, Cheryl was also employed with a touring dance troupe and had been traveling out-of-state with the troupe at least two to three weeks at a time since November 2017. *See* Defendant's Opposition filed August 6, 2019, p. 4.

4. Cheryl alleged she had permission to take Jai on some of the tours and that Jai would perform and assist backstage. She does not explain if or how Jai was able to accompany her while he was enrolled in school full-time.

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[4] The Court did not view Defendant's "Appendix and Exhibit List for Exhibits Supporting Defendant/Counterclaimant's Closing Brief" filed March 25, 2022, as the parties were not given the option of submitting additional exhibits or evidence not already admitted at trial.

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5. From the time of her initial pleadings, Cheryl alleged a history of domestic violence by Cory. Cheryl described him as rageful, vengeful and alienating of her relationship with Jai. Cheryl's first countermotion with the Court sought supervised visitation for Cory until he engaged in anger management therapy, fearing for Jai's safety otherwise. *Id.*, pp. 9-10.

6. In these early pleadings, Cheryl also acknowledged that her relationship with Jai had been deteriorating. She described Jai as exhibiting signs of aggression and anger towards her and alleged that Jai blames her when Cory is aggressive with her. *Id.*, p. 4. Cheryl believed Jai's treatment of her is solely a reflection of how Cory treats her.

7. In these early pleadings, Cheryl stated her belief that Jai is of sufficient age and capacity to form an intelligent preference as to his custody. Cheryl further claimed that Jai had indicated his desire to be with both parents equally. *Id.*, p. 10.

8. Cory's early pleadings described that Cheryl's touring schedule kept her away from home for months at a time, not weeks as she had alleged. He claimed that he had been Jai's primary caregiver given Cheryl's extended absences from the home and her focus on work. Cory was the only parent who drove - it was unclear to the Court why - and he claimed that, as a result, he was the parent who took Jai and Sienna to school, was actively involved in both kids' extra-curricular activities, and was also solely responsible for taking Cheryl to the yoga studio. *See* Plaintiff's Reply to Opposition and Countermotion filed September 9, 2019, p. 7.

9. Originally, Cory indicated a willingness to share physical custody of Jai with Cheryl if she was not touring and available to care for Jai the necessary amount of time. *Id.*, p. 3.

10. There were no allegations of domestic violence made by either party until their divorce case was filed. Upon being served with the Complaint for Divorce, Cheryl filed for a TPO that was denied as it did not meet the standard set in NRS Chapter 33.

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11. Subsequently, Cory was arrested for battery domestic violence January 15, 2020, following an incident at Jai's school. The incident occurred on a custodial exchange day when Cheryl was due to pick-up Jai at school. Cory did not dispute that it was Cheryl's day, nor did he allege a valid reason for being at the school on Cheryl's pick-up day.

12. The video of that incident was admitted as Defendant's Exhibit JJ. It was viewed by the Court prior to issuance of these FFCL.

13. There is no audio accompanying the video and the act of domestic violence alleged by Cheryl (that Cory threw her phone at her) took place out of the view of the camera. The only portion of the incident the Court can actually see is Cheryl knocking Cory's hand away from something at timestamp 3:47. By timestamp 3:52, Cory is walking away from Cheryl and they are no longer in proximity of one another. *Id.*

14. Notably, Cheryl's boyfriend was present and was observing Cheryl and Cory's interaction from approximately 20 feet away, but he did not react in any way or express alarm. He did not move from where he was standing or even take his hands out of his pockets. *Id.*

15. Defendant's Exhibit V, admitted by stipulation, is identified as a notarized letter from Cheryl's boyfriend, Larry Dolan, that purportedly included his statement regarding "witnessing a violent incident at the minor child's school." In fact, the statement does not contain any reference to what is alleged to have occurred at Jai's school.

16. Plaintiff's Exhibit 5, admitted by stipulation, is a copy of Cory's Submittal Plea tendered to the City of Las Vegas to resolve the battery domestic violence charge resulting from the incident. Upon Cory's compliance with the conditions of the plea agreement, the charge will be dismissed. Plaintiff's Exhibit 6 reflected Cory's compliance.

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17. As a result of Cory's arrest for the January 15, 2020, incident at school, Cheryl was granted a TPO. The TPO was extended through the date of trial, more than two years after the original TPO, without the Court every holding a substantive hearing on the basis for the extension.

18. In the Our Family Wizard (OFW) messages between the parties admitted as Defendant's Exhibit DD, Cheryl often tells Cory the TPO does not prohibit them from being in proximity to one another, i.e., at Jai's dance performances, unless he cannot "control himself," in which case she will call the police and he will be arrested.

19. The parties stipulated to an interview of Jai by an outsourced provider on the belief that his opinion and input were valuable to the Court's decision-making. The interview was preferred by the parties over having Jai testify in Court, in-person, as they believed him too emotionally fragile to be subjected to that process. Cheryl asked the Court for a full custody evaluation rather than an interview. She continued to allege that Jai had been coached and influenced by Cory and would likely lie in an interview.

20. Dr. Bree Mullin was the outsource provider who conducted the interview, Cheryl questioned the validity of the interview report once it was received and again asked the Court for Jai to testify at trial (at the start of trial, Cheryl ultimately decided that was not in Jai's best interests and he was not called to testify).

21. The report is a key piece of evidence given Jai's age and the statutory requirement that the Court consider his preference.

22. Dr. Mullin described Jai as polite and cooperative, but also nervous. She reported that he was logical, relevant and coherent. Jai informed Dr. Mullin he was aware the purpose of the interview was to give his opinion about his custody and to answer three questions that his parents submitted for him to answer. Jai said his mother had been talking about the interview

constantly and told him to ask for fifty-fifty custody. Jai said he also talked to his dad about the interview, but just a conversation or two.

23. Jai was nervous and indicated to Dr. Mullin that his nervousness was the result of wanting to be honest in the interview but was concerned that his parents would be reading the report.

24. Jai's interview responses were consistently positive about Cory and guarded about Cheryl. Jai said he and his mother are not getting along and they have arguments that can last for 16 hours. Jai copes by keeping his mouth shut to avoid arguments or lengthy discussions. He described this cycle of arguments as the thing he liked the least about his time with his mom, and that she made negative statements about Cory in his presence.

25. Jai said he can talk openly with his father without fear of being embarrassed or judged. His least favorite thing about Cory's home is that his dad is sometimes exhausted after work and unable/unwilling to go out and do activities.

26. Jai described that he has a parent/child relationship with Cory, but that Cory also lets him make his own decisions and that he allows Jai to be himself. He described Cheryl as being supportive if she agrees with his beliefs and decisions, but if not, she may argue and lecture him for hours.

27. When asked about his ideal schedule at each home, Jai said he would like to have some more independence at his mom's home and be left home by himself rather go to the yoga studio or the coffee shop next door to the studio after school. Jai's ideal schedule at his dad's house was to essentially maintain the same routine they currently have (although he wishes he could wake up later). Jai indicated Cory was a comforting presence and he enjoyed any time he could share with his dad.

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28. When asked about the daily routine in each home, Jai described a lack of structure and routine at his mom's home that he finds very stressful. He also described Cheryl as "very stressy," having a panic attack when she loses her keys, for example. Conversely, Jai's description of Cory's home is one of consistency. He described it as relaxing and comfortable.

29. In summary, Dr. Mullin reported that Jai feels valued by his father and believes that Cory provides him with a cooperative and encouraging environment, whereas he and Cheryl do not get along because she is argumentative and confrontational. He does not feel genuinely supported by Cheryl.

30. At trial, Dr. Mullin confirmed that Jai did not want to voice a preference for a parenting time schedule, but that he viewed the interview as a welcome opportunity to share his experiences. Dr. Mullin testified it was not unusual for a child to ask that no one read the report as was requested by Jai. In response to a question asked by Cheryl's attorney, Dr. Mullin testified that she could draw causation between Jai's nervousness and his being untruthful to protect one parent or another.

31. Dr. Mullin noted she was not retained to formulate an opinion about the parents, vet the allegations made by Jai, or conduct collateral interviews; her sole purpose was to report Jai's experiences.

32. Cheryl has repeatedly expressed concern that Jai was not truthful with Dr. Mullin about his mother's conduct and the dutiful care she has provided Jai. E.g., Cheryl's Pre-Trial Memorandum, filed March 7, 2022, p. 8. Cheryl argued that Jai failed to be honest about Cheryl's positive qualities and was not honest about the negative feelings he expressed about Cheryl. *Id.*

33. Cheryl had three witnesses testify regarding her relationship with Jai. Sabrina Fox confirmed the accuracy and truthfulness of her previously filed sworn statement admitted as Defendant's Exhibit N. Ms. Fox's statement details an incident in November 2019 during which

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Cory rushed into the yoga studio during a class. She described him as bullying Cheryl and upsetting Jai who was present during the incident. Ms. Fox described Cory as threatening to herself and the other students. Ms. Fox did not indicate that she heard anything specific other than Cheryl telling Cory to get out and did not give more information about Cory's bullying of Cheryl or how he was threatening to the class.

34. Lauren Verona testified as to the accuracy of her statement, admitted as Defendant's Exhibit T. Ms. Verona described herself and Cheryl as rather close and testified that she knew Cheryl to be selfless and beloved in the community, and a supportive and devoted mother. However, on cross-examination, Ms. Verona admitted she had only seen Cheryl and Jai together five times over the 10 years that she had known Cheryl and that her description of Cheryl's relationship with Jai was based upon what Cheryl told her.

35. Susan Moraleda, Jai's art teacher, was called to testify to Cheryl's involvement in Jai's schooling and activities. Ms. Moraleda testified that Cheryl was actively involved in Jai's education because she saw Cheryl at school weekly.

36. Cheryl attempted to admit her "specific" OFW messages between the parties as an Exhibit. The specific messages offered by Cheryl represented 113 pages of the 501 total pages of OFW communications. Opposing counsel objected to admission of the incomplete record and the Court directed that the entirety of the record be provided for the Court's review. Upon receipt, the Court reviewed the entire 501-page exhibit to get a sense of the parties' communication with one another.

37. Notwithstanding that the entire OFW record was ultimately admitted as an exhibit, the Court presumes the 113 pages Cheryl specifically selected were intended to show her in a positive light and Cory in a less than positive light. The Court finds that the messages selected by Cheryl to introduce as evidence did not actually flatter her nor did they raise dispositive questions about Cory's ability to co-parent and cooperate with Cheryl.

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38. However, it was clear from the OFW messages that the parties have vastly different communication styles. Cory is conflict avoidant and Cheryl reacts to his avoidance by being overbearing. At times, Cheryl was relentless in her efforts to elicit communication from Cory and Cory communicated less than what is needed to have a cooperative co-parenting relationship. They both go out of their way, at times, to push the other's buttons and be difficult.

39. While there are hundreds of examples of this dynamic, the Court will refer to a particularly illustrative exchange. On page 53 of 501, Exhibit DD, Cheryl lets Cory know she was aware that Jai went to the park. She informs Cory that "[t]he virus has been spread at parks recently and is now affecting younger people because of the parks." She went on to tell him they are "both aware that [Jai] bites his nails and that this virus lives on surfaces. Please be mindful. Please make sure he is handwashing."

40. While that seemed like enough, Cheryl goes on to inform Cory that she put "some doterra onguard[5] in all of [her] soap dispensers. That the oil can be bought online with Amazon and could be a good idea. Please do the best to keep Jai and yourself mindfully safe and cautious." Cory responded by reassuring her that they "went to the park but [that he doesn't] let him in the play ground (sic)." He tells her they play in the fields and otherwise stay home.

41. A few messages later, Cheryl emailed Cory to say that Jai told her they went to a National Park and that there were "lots of people there." She reminded him that she had just sent an email about parks and the threat of spreading the virus and noted that Jai has since coughed on her. Again, "[p]lease be mindful to respect what we have been asked to do" - stay at home. "We know 12-year-old boys touch things and we know he nail bites." She went on to point out that her immune system is more vulnerable since she is 15 years older than him and because of the constant stress of their ongoing divorce. In case that was not enough, she then emphasized,

[5] An essential oil formulation.

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"[p]lease DO NOT take Jai to ANY parks during this pandemic. You are putting multiple people at risk especially me, since you put him in that social situation the day before you dropped him with me."

42. Cory responded by telling her it was a State Park, not a playground, and there were wide open spaces, and that they did not come into contact with people.

43. Undoubtedly, Cheryl does not recognize her tone is perceived as scolding and condescending or that her extraneous commentary and admonishments are unnecessary.

44. In another exchange, Cheryl told Cory that Jai mentioned wanting to color his (Jai's) hair. She then tells Cory that she will set up an appointment with the person who did it last time and asks Cory "[p]lease do not color his hair elsewhere because she knows the products he had before were safe and had a positive result with a person I can trust since we need to be mindful the risks of bleach and his appearance for Nevada Ballet Theater." Six days later, she noted that Jai had bleached out hair. Her reaction is to scold Cory because she "sent an email on the Family Wizard regarding my concerns about this and without responding to me whatsoever you allowed Jai to do it."

45. These exchanges, in and of themselves, were not dispositive of anything; they did not definitively inform that one parent is a problem. What they did do, however, is confirm what Jai reported in his interview. He described that Cheryl was a little selfish and quick to express her displeasure if Jai did not do what he is told to do. He believes Cheryl has a hard time letting things go and will badger to get her point across. Cory's messages were more to the point, and he did not belabor issues. He was mostly respectful (or, at least, not disrespectful) of Cheryl's beliefs regardless of whether he agreed with them. The fact is that the OFW emails provide ample evidence that the parties are exactly the people Jai perceives them to be.

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46. The OFW messages validated two other perceptions for the Court: Jai turned to Cory when there was trouble, and Jai just seemed to prefer to communicate with his dad. Throughout the two plus years of messages, Cheryl regularly expressed her frustration that Jai would unfailingly contact Cory while he is in Cheryl's care, but that Jai did not contact her while he is with Cory. Cheryl blamed Cory for failing to make Jai call her and reminded him that she was "entitled" to a daily call by Court order. Cory explained repeatedly that he could only do so much to make their teenage son speak with her. It did not occur to Cheryl that Jai called his dad because he wanted to and Jai did not call her because he did not want to.

47. There was also a recurring theme of Jai and Cheryl butting heads and Jai looking to Cory to rescue him. Cheryl assumed Cory is complicit in that dynamic, but there was substantial evidence of Cory's efforts to smooth over their discord. His efforts, though, were directed at Cheryl and suggestions for how she might better approach Jai. Because Cheryl did not consider that she may be part of the problem, she focused on what Jai had done to cause the problem - or what Cory had not done to fix things.

CONCLUSIONS OF LAW

Jurisdiction:

The Court has personal jurisdiction over the parties and subject matter jurisdiction over the child custody issues as Nevada is Jai's home state. The parties are entitled to a divorce on grounds they are irreconcilably incompatible in marriage.

Child Custody:

Cheryl has asked for joint legal custody and joint physical custody and argued that the current week-to-week timeshare was in Jai's best interests. Cory has sought joint legal custody and primary physical custody and requested Cheryl have visitation every other Friday through Monday. The Court's analysis of these requests for relief follows.

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In considering these requests, the Court is guided by NRS 125C.0025 which provides:

> *1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:*
>
> > *(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or*
> >
> > *(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

Cheryl wants joint physical custody and Cory wants primary physical custody; accordingly, the parties do not have an agreement. Each parent has demonstrated a meaningful relationship with Jai.

THE COURT CONCLUDES that the preference in favor of joint physical custody has not been met.

The Court must also consider presumptions against joint physical custody pursuant to NRS 125C.003 which states in relevant part:

> *Best interests of child; Primary physical custody; presumptions; child born out of wedlock.*
>
> *1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:. . .*
>
> *(c) there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child, or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.*

This section directs the Court to presume an award of joint physical custody is not in a child's best interests if domestic violence is proven. Cheryl opposed Cory's request for primary physical custody on the premise that he has engaged in domestic violence against her. However, Cheryl is seeking an award of joint physical custody - not arguing against it. Therefore, without

addressing whether Cheryl proved domestic violence by clear and convincing evidence, the COURT CONCLUDES that the statutory preference of NRS 125C.003(1)(c) does not apply to these circumstances[6].

Regardless, joint physical custody is not automatically granted. The law in Nevada provides several factors the Court is required to consider in evaluating the children's best interests pursuant to NRS 125C.0035(4) and *Davis v. Ewalefo*, 131 Nev. 445, 352 P.3d 1139 (2015), which provide, "In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

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

Great expense and effort was invested in determining Jai's wishes as to his physical custody. At the initiation of the case, the parties mutually agreed Jai was of sufficient age and capacity to form an intelligent preference. Defendant's Opposition and Countermotion for Temporary Orders and Related Relief filed August 6, 2010, p. 10. Cheryl subsequently retracted her agreement to this premise and argued that Jai's custodial preference was influenced by Cory's coaching and alienation tactics and was, therefore, not an intelligent preference.

The statutory question, though, is whether Jai is of sufficient age and capacity to form that preference. Jai is 14.5 years old and, inarguably, of sufficient age to form a preference. By all accounts, Jai is mature and intelligent. The child interview report describes his "stream of mental activity" as logical, relevant, and coherent. THE COURT CONCLUDES Jai is of sufficient age and capacity to form an intelligent preference as to his physical custody.

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[6] Notwithstanding, when evaluating what is in Jai's best interests - the underpinning of any physical custody determination - evidence of domestic violence remains a highly relevant, statutorily mandated consideration and will be addressed in later sections of the decision.

That being said, Jai was careful not to express a custodial preference. He understood the purpose of the interview with Dr. Mullin was so he could give his opinion regarding custody and he willingly (albeit nervously) participated so he could share his experiences. Jai spoke of the pressure exerted by Cheryl to ask for fifty-fifty custody and spoke of his fear that his mother would confront him and argue with him if she were to read his statements. When asked by Dr. Mullin about his ideal schedule at each parent's home, Jai was very literal in his answer and said he would like to wake up at 9:00 a.m. rather than 5:00 a.m. when at his dad's house and that he desired to have a schedule at his mom's home. When Dr. Mullin asked Jai directly for his preferred parenting time schedule, Jai stated that he preferred not to answer.

In her closing brief Cheryl argued that Jai had not stated a preference; that he expressly chose not to state a preference. She is correct. THE COURT CONCLUDES this factor is neutral.

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

THE COURT CONCLUDES nomination of a guardian is not relevant in these proceedings between two parents.

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

Cheryl expressed great concern regarding Cory's willingness to foster her relationship with Jai. The Court heard testimony - supported by prior Orders entered early in the case - about Cory's inflexibility around the Mother's Day and Thanksgiving holidays. Cory's failure to be flexible or reasonable is not evidence of an unwillingness to foster Cheryl's relationship with Jai. Nor do those examples reflect an unwillingness to allow Jai frequent associations. The testimony relevant to this consideration is whether Cory failed to comply with the Court's custody orders or somehow interfered with Cheryl's contact with Jai. There was no testimony to that effect[7].

[7] As noted in the Findings of Fact, *supra*, there were countless OFW emails wherein Cheryl reminded Cory of his obligation to ensure that she had a daily telephone call with Jai. In those messages, she insisted Cory was interfering in her right to speak with Jai. The Court has addressed that allegation: Jai was 14

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THE COURT CONCLUDES this factor does not favor either party.

(d) The level of conflict between the parents.

Both parties characterized their relationship as highly conflicted and it is. Both parties blamed the other for the conflict and neither considered their own contribution. Cory is non-communicative and passively aggressive. Cheryl is overbearing and accusatory in her communications.

Each described their desire to effectively co-parent, although Cory also indicated that he has decided it is not possible to co-parent with Cheryl and has stopped trying. Cheryl believes Cory is failing to co-parent; thus, she is not willing to consider her role in their discord and modify her behaviors to achieve the co-parenting relationship desired. Consequently, the Court sees the parties as hopelessly conflicted.

More importantly, neither party seems concerned with shielding Jai from their conflict. According to Jai's interview, Cheryl regularly involves him in the Court proceedings despite his pleas to be left out. The OFW messages reflect that Cheryl added Jai to the OFW account and suggested to Cory that Jai participate in the parties' communications about him. She was angry when Cory removed him from the account.

Jai confirmed that Cory speaks to him about Court, as well. And it is well-documented that Jai had to participate as a witness for the defense so that Cory was not found to be in violation of the TPO (a violation would also mean he failed to comply with the "stay out of trouble" condition of his no contest plea). At trial, Cory blamed Cheryl for Jai having to testify and never acknowledged his own responsibility for putting Jai in that position.

THE COURT CONCLUDES this factor does not favor either party.

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years old and knew how to contact a parent he wants to speak with. The Court does not find Jai's unwillingness to contact Cheryl applicable to the current factor.

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

As conflicted as the parties are, they mostly come together to ensure that Jai gets what he needs. There has had to be coordination with making therapy appointments and transporting Jai to them, and they have had to cooperate to meet the demands of Jai's busy dance performance and practice schedule, for example. The problems arise when one or the other thinks what they are being asked to do is for the other parent's benefit, and not their son's. When Cheryl needed Cory's cooperation to ensure Jai could be transported to school via bus from her home, Cory disregarded the urgency or was primarily concerned with whether that cooperation would suggest to the Court he is okay with sharing physical custody. When Cheryl made demands related to COVID safety at the start of the pandemic, Cory was receptive when the conversation was about protecting Jai. When Cheryl's concerns appeared to be about protecting herself, Cory was unresponsive. The well-being of both Cheryl and Cory is essential to Jai's well-being, but neither sees the need to consider the welfare of the other as part of their responsibility to Jai.

THE COURT CONCLUDES this factor does not favor either party.

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

Both parties testified they are physically and mentally healthy.

THE COURT CONCLUDES this factor does not favor either parent.

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

Neither party testified that Jai has any special physical, developmental or emotional needs and his general well-being is discussed in other sections.

THE COURT CONCLUDES both parents are equally equipped to meet Jai's needs.

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

Everything else being equal, Jai's relationship with each parent is the tiebreaker in this case. Jai's interview by Dr. Mullin ultimately resulted in Jai sharing his experience with each parent and in each parent's home. He enjoys his dad's company, feels supported and understood

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by him. He is relaxed at Cory's home and appreciates the consistency and routine Cory provides. Cheryl's home is stressful for him because she is anxious and stressed. There is no routine and that causes him discomfort. He finds his mom to be argumentative and unrelenting, at times. He feels accepted by Cheryl only when his opinion is in line with hers and described feeling invalidated by her comments. That is Jai's truth.

At trial and in her closing brief, Cheryl made much about the Court's pre-trial comment that "Jai's perception is his reality." The Court's comment was made in response to Cheryl's request to have Jai testify at trial with the intent of discrediting him, proving that he was lying about his experiences with her. Cheryl argued before and after trial that she was a dutiful and present mother and that Jai was dishonest with Dr. Mullin when he described her as a workaholic, absent parent. At trial, she brought witnesses to refute the content of Jai's interview statements.

Cheryl completely missed the point of the Court's comment: Jai was not a witness being asked to recall objective facts such as whether the light was green. Jai was sharing his *feelings*. If Jai says he does not recall his mother being present or tending to his needs and therefore he prefers to be with his father, that is his reality. Ironically, Cheryl's inability to validate Jai's feelings - regardless of whether she believes them to be objectively true - is exactly what he has complained of: his mother does not understand him, his mother does not support him.

Jai did not need to state a custodial preference for the Court to consider. Jai shared the nature of his relationship with each parent and expressed decidedly more positive feelings about his relationship with Cory and that makes this otherwise difficult case easy.

THE COURT CONCLUDES Jai's relationship with Cory is more comforting to him than his challenging relationship with Cheryl. This factor strongly favors Cory.

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

Jai's only sibling, Sienna, is an adult. Sienna and Jai maintain a relationship independent of Cory and Cheryl. However, Cheryl and Sienna are estranged so that Jai spending time with Sienna only happens when he is with Cory.

THE COURT CONCLUDES this factor favors Cory.

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

Neither party presented evidence of parental abuse or neglect of the child or a sibling of the child.

THE COURT CONCLUDES this factor is inapplicable.

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

The relevance of this factor is elaborated on in NRS 125C.0035(5). According to subsection (5), upon clear and convincing evidence that a parent has perpetrated domestic violence, the Court must presume that sole or joint custody by that perpetrator of that violence is not in a child's best interests. The presumption created is rebuttable. Cheryl provided the Court with evidence of domestic violence by Cory. Some of that evidence is addressed *supra*.

In addition to the alleged domestic violence at Jai's school, Cheryl called Carol Kohn-Mannis, LCSW, to testify about her experience with Cheryl and Cory during a therapy session with Cheryl in July 2019. Ms. Kohn-Mannis was also the author of Defendant's Exhibit P, admitted into evidence over Plaintiff's objection. The report and Ms. Kohn-Mannis's testimony were consistent.

Exhibit P explained the specific circumstances of the therapy session: Cheryl was sobbing and desperate to save her marriage. Cory was brought into the session and confirmed that he wanted the divorce and explained why. The report said Cory's anger escalated in the course of the discussion until he was "yelling and screaming, calling the client a liar and . . . walking out of

the session slamming the door." The report indicates Cheryl was hysterical and in a panic, stressed and overwhelmed by the situation. *Id.* at CS 53. Ms. Kohn-Mannis reported she spent the rest of the session helping Cheryl process the history of psychological and emotional abuse which Cheryl had not recognized previously. Ms. Kohn-Mannis further reported that Cheryl was "heartbroken" that she worked 7-days a week while Cory stayed home with their son (an assertion made by both Cory and Jai that Cheryl denied throughout these proceedings).

In her testimony, Ms. Kohn-Mannis confirmed that at the July 2019 session, Cory was explosive, slammed his fist and called Cheryl names. She testified those were acts of domestic violence against Cheryl regardless that he had not actually struck her. The Court does not theoretically disagree. However, the Court does not find that this witness's progress notes of an incident in 2019, and her testimony regarding that one singular episode is clear and convincing evidence an act of domestic violence has occurred.

Moreover, the relevance of this evidence is questionable where Cheryl is seeking joint physical custody. There would have to be some additional justification or explanation for why the presumption should impact Cory's request for primary physical custody, but not her request for joint physical custody. Arguably, Cheryl herself believes the rebuttable presumption created by NRS 125C.0035(5) is rebutted by the other considerations about what is in Jai's best interests, or she would not be advocating for joint physical custody.

THE COURT CONCLUDES this factor does not favor either party in light of their requested relief.

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

Neither party has alleged parental abduction by the other.

THE COURT CONCLUDES this factor is inapplicable.

(m) Other best interests' considerations.

None. THE COURT CONCLUDES this factor is not applicable.

THE COURT CONCLUDES, after an analysis of the statutory factors, it is in Jai's best interests that Cory have primary physical custody. THE COURT FURTHER CONCLUDES that neither party is better equipped than the other to make decisions that are in the child's best interests, and they should exercise joint legal custody.

Child Support:

NAC 425.115(2) obligates the non-custodial parent to pay child support to the child's primary physical custodian. For one child, NAC 425.140 directs the obligor to pay 16% of their gross monthly income - up to $6,000.00 - as and for child support. Cheryl filed a Financial Disclosure Form (FDF) on March 7, 2022, and reported a net monthly business income of ($96.97). Cheryl also claimed net rental income of $650.00 a month, and unexplained other income of $880.00 per month for a total gross monthly income (GMI) of $1.530.00. Cory's GMI is $6,250.00 per his FDF filed March 4, 2022.

THE COURT CONCLUDES applying the NAC to Cheryl's gross monthly income results in a base child support obligation of $233.00 per month.

Further, NAC 425.135 directs the Court to consider the cost of health insurance coverage for the minor child and NAC 425.130 requires consideration of whether either parent incurs day care expenses for the child. Jai's medical insurance needs are covered by Cory through his employer; he pays $133.06 per month for Jai's coverage. Neither party reported day care expenses.

Any out-of-pocket medical expenses incurred on behalf of the minor child shall be equally divided between the parties. As noted, Cheryl is insistent that Cory use the medical providers she deems most qualified regardless of whether they are covered by Cory's insurance; Cory objects to

her selection when there are in-network providers who provide the same service. To minimize unnecessary expenses, the parties are to use an in-network provider.

Constructive Child Support Arrears:

Cheryl is seeking constructive child support arrears based upon the parties' exercise of joint physical custody during the pendency of the divorce and Cory's greater income. However, at hearing on December 3, 2019, Judge Gentile ordered that neither party owed child support to the other. THE COURT CONCLUDES, there is no basis for the Court to consider an award of constructive child support arrears.

Future Proceedings:

Cory has been admonished by the Court once before about being obstructive, unreasonable and inflexible in dealing with Cheryl. The Court's review of the parties' total communications suggests they are equally unreasonable and inflexible with one another. The Court will not tolerate their continued failure to work with one another. Neither party shall file a post-divorce Motion with the Court to address custodial issues without first attending mediation (either privately or through FMC). Upon filing a Motion, the Court expects the moving party to have evidence of their own flexibility with the other party and proof of their own respectful communications.

DECREE OF DIVORCE

NOW, THEREFORE, IT IS HEREBY ORDERED that the bonds of matrimony heretofore and now existing between the parties are wholly dissolved, and that an absolute Decree of Divorce is hereby granted to the parties, and each of the parties are hereby restored to the status of single, unmarried person.

IT IS FURTHER ORDERED that the issues of community property and community debt division remain unresolved, and the Court retains jurisdiction to take evidence and enter Orders regarding same.

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IT IS FURTHER ORDERED that the parties shall share joint legal custody.

IT IS FURTHER ORDERED that Cory shall have primary physical custody of Jai, subject to Cheryl's visitation.

IT IS FURTHER ORDERED that Cheryl shall have visitation the 1st and 3rd weekends of the month, as well as the 5th weekend if there is one. Visitation shall be from Friday after school through Monday at school drop off. When there is no school on a Friday or Monday, Cheryl's visitation shall begin from Friday at 3:00 p.m. and end Monday at 9:00 a.m. Also, when school is not in session on either Friday or Monday, the receiving parent shall provide transportation. For purposes of this timeshare, the first weekend of the month is defined as beginning the first Friday of the month.

IT IS FURTHER ORDERED that a holiday and vacation schedule will be addressed at further proceedings. Any holidays that arise prior to those further proceedings shall be exercised consist with the regular timeshare ordered herein, except that any holiday or vacation travel plans that were made before this Order in anticipation of a different schedule shall be accommodated by the other parent.

IT IS FURTHER ORDERED that both parties are encouraged to attend Jai's school events and participate in his extra-curricular activities when there are performances. Transportation to/from Jai's daily performance practices and participation in those practices and/or rehearsals shall be the responsibility of the parent having custody.

IT IS FURTHER ORDERED that the parties shall equally divide any and all costs associated with Jai's current extra-curricular and school mandated activities. Jai shall not be enrolled in any new extra-curricular activities absent agreement of the parties. If there is no agreement, Jai may be enrolled in a new activity only if: 1) it does not take place during the other parent's timeshare; and, 2) the enrolling parent pays 100% of the cost associated with the activity.

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DISTRICT JUDGE
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Regardless of who enrolls Jai in a new activity under these rules, both parties are still entitled to participate as set forth in the preceding paragraph.

IT IS FURTHER ORDERED that Cheryl shall pay child support to Cory of $300.00 per month effective April 1, 2022. This amount represents Cheryl's child support as calculated by NAC 425, plus her one-half contribution to Cory's health insurance coverage for Jai.

IT IS FURTHER ORDERED that Cheryl's request for constructive child support arrears is denied and neither party has an outstanding or unpaid obligation for child support owed to the other through March 31, 2022.

IT IS FURTHER ORDERED that Cory shall supply Cheryl with the information necessary to identify in-network health care providers. If Cheryl insists on using an out-of-network medical provider, she will bear 100% of the out-of-pocket expense for that provider. If the parties mutually agree to use an out-of-network provider, they will equally divide the cost.

IT IS FURTHER ORDERED that all in-network, out-of-pocket expenses shall be equally divided by the parties pursuant to the 30/30 Rule.

IT IS FURTHER ORDERED that the parties shall continue to utilize Our Family Wizard for all communications. The minor child shall not have access to the Our Family Wizard account or messages sent/received thereon.

IT IS FURTHER ORDERED that any post-divorce Motion shall be filed with proof that the moving party first attempted to resolve the issue through FMC mediation or private mediation and must include evidence of their own flexibility with the other party and proof of their own respectful communications. Failing to first mediate or failing to provide the expected evidence will result in the Motion being denied and attorney's fees awarded.

IT IS FURTHER ORDERED any claim for spousal support is waived.

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IT IS FURTHER ORDERED that the matter is set for a Pre-Trial Conference June 9, 2022, 11:00 a.m. for purposes of setting a date for the Court to hear and decide the division of property and debts. Given the parties' financial circumstances and their limited assets and debts, the parties shall continue efforts to negotiate a resolution to the property and debt division. Attorney's fees will be awarded if either party maintains a position at Trial that is untenable under Nevada's community property and community debt laws.

IT IS FURTHER ORDERED that each party's request for attorney's fees is deferred to the bifurcated property and debt proceedings.

IT IS FURTHER ORDERED that any Order for Protection that may still be in effect against Cory in Case Number T-20-202987-T shall expire on this date at midnight.

IT IS FURTHER ORDERED that Defendant's Supplemental Exhibits to Closing Brief filed March 25, 2022, is stricken.

STATUTORY NOTICES

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6): PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

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NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

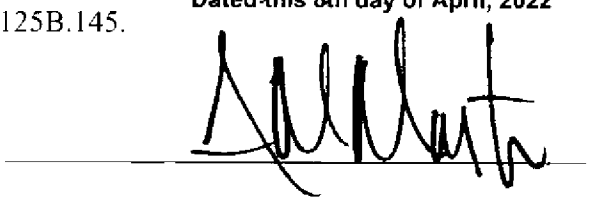
> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
>
> (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
>
> (b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the nonrelocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the parties are subject to the provisions of NRS 31A and 125.007 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support every three years pursuant to NRS 125B.145.

Dated this 8th day of April, 2022



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Amy M. Mastin
District Court Judge

AMY M. MASTIN
DISTRICT JUDGE
FAMILY DIVISION, DEPT. M
LAS VEGAS, NV 89101

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DISTRICT COURT
CLARK COUNTY, NEVADA

Cory Lawrence Colley, Plaintiff	CASE NO: D-19-590338-D
vs.	DEPT. NO. Department M
Cheryl Ann Slader, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 4/8/2022

Patricia Vaccarino	patricia@vaccarinolaw.com
Frank Toti	frank@fjtesq.com
Frank Leavitt	Frank@LeavittLawFirm.com
Angela Lizada	angela@lizadalaw.com
Loammi Garcia	Loammi@leavittlawfirm.com
Cory Colley	cory.colley@hotmail.com
Dennis Leavitt	Dennis@leavittlawfirm.com
Leslie Campos	leslie@leavittlawfirm.com
Keiara Stevenson	keiara@fjtesq.com
Alex Gomez	alex@fjtesq.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 12, 2019

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

August 12, 2019 10:00 AM Minute Order

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- COURT FINDS that Plaintiff filed a Motion for Alimony and related relief which is presently set for 8/16/2019 on chambers calendar. COURT FINDS that an Opposition and Countermotion was filed on 8/6/2019 and is set to be heard on 9/16/2019. COURT FINDS that the two hearings should be consolidated to 9/16/2019. In the interest of judicial economy, COURT ORDERS that the 8/16/2019 be re-set to 9/16/2019 at 9:00 a.m., to be heard in conjunction with the Opposition and Countermotion.

CLERK S NOTE: On 8/12/19 a copy of the Court s Minute Order was placed in Defendant s Attorney s folder located in the Clerk s Office and a copy mailed to Plaintiff at his address of record. (mm)

INTERIM CONDITIONS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** September 16, 2019

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

September 16, 2019 **9:00 AM** **All Pending Motions**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS... DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS AND COUNTERMOTION FOR TEMPORARY ORDERS AND RELATED RELIEF... PLAINTIFF'S REPLY TO OPPOSITION AND/OR COUNTERMOTION... CASE MANAGEMENT CONFERENCE

Prior to the time set for hearing, COURT ORDERED this matter OFF CALENDAR. Court to file/serve a RE-NOTICE OF HEARING and notify each side of the new date/time.

INTERIM CONDITIONS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 04, 2019

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

October 04, 2019 10:00 AM Minute Order

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. EDCR 5.303 requires the parties to any contested child custody, access or visitation dispute to attend mandatory mediation through the Family Mediation Center (FMC).

COURT FINDS Plaintiff filed a Motion for Alimony and Settlement of Marital Home and Credit Cards on July 18, 2019. COURT FINDS Defendant filed an Opposition and Countermotion on August 6, 2019. COURT FINDS Plaintiff filed a Reply on September 9, 2019. COURT FINDS the matter was initially scheduled to be heard on September 16, 2019, along with the Case Management Conference, but was subsequently taken off the Court s calendar. COURT FINDS Plaintiff filed a Re-Notice of his Motion, and it is currently set to be heard on October 31, 2019. COURT FINDS Plaintiff submitted a Request and Order for Mediation on September 25, 2019.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

COURT ORDERS the parties shall attend mediation through FMC. COURT ORDERS a FMC Return Hearing shall be SET for _____, 2019, at _____ a.m./p.m. COURT FURTHER ORDERS the Motion hearing on October 31, 2019, the pending Opposition and Reply, and the Case Management Conference shall be RESCHEDULED to the date of the FMC Return Hearing.

The Parties should take notice of NRS 125C.0015 which gives parents joint legal and physical custody until otherwise ordered by the Court. Further, in making its custody determination, the Court shall consider which parent is more likely to foster the child s relationship with the other parent.

CLERK S NOTE: On 10/4/19 a copy of the Court s Minute Order and Order for Family Mediation Center Services was placed in Plaintiff s Attorney s folder located in the Clerk s Office and a copy mailed to Defendant at his address of record. (mm)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 07, 2019

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

October 07, 2019 10:00 AM Minute Order

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. EDCR 5.303 requires the parties to any contested child custody, access or visitation dispute to attend mandatory mediation through the Family Mediation Center (FMC).

COURT FINDS Plaintiff filed a Motion for Alimony and Settlement of Marital Home and Credit Cards on July 18, 2019. COURT FINDS Defendant filed an Opposition and Countermotion on August 6, 2019. COURT FINDS Plaintiff filed a Reply on September 9, 2019. COURT FINDS the matter was initially scheduled to be heard on September 16, 2019, but was subsequently taken off the Court s calendar. COURT FINDS Plaintiff filed a Re-Notice of his Motion, and it is currently set to be heard on October 31, 2019. COURT FINDS Plaintiff submitted a Request and Order for Mediation on September 25, 2019.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

COURT ORDERS the parties shall attend mediation through FMC. COURT ORDERS a FMC Return Hearing shall be SET for December 3, 2019 at 9:30 a.m. COURT FURTHER ORDERS the Motion hearing on October 31, 2019, and the pending Opposition and Reply shall be RESCHEDULED to the date of the FMC Return Hearing.

The Parties should take notice of NRS 125C.0015 which gives parents joint legal and physical custody until otherwise ordered by the Court. Further, in making its custody determination, the Court shall consider which parent is more likely to foster the child s relationship with the other parent.

CLERK'S NOTE: The Minutes were AMENDED on 10/7/19 to reflect an updated HEARING DATE of 12/3/19 at 9:30 a.m. On 11/20/18 a copy of the Court s Minute Order and Order for Family Mediation Center Services was placed in Defendant's Attorney s folder located in the Clerk s Office and a copy mailed to Plaintiff at his address of record. (mm)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** December 03, 2019

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

December 03, 2019 9:30 AM **All Pending Motions**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Elizabeth Ellison, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS... DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR ALIMONY AND SETTLEMENT OF MARITAL HOME AND CREDIT CARDS AND COUNTERMOTION FOR TEMPORARY ORDERS AND RELATED RELIEF... PLAINTIFF'S REPLY TO OPPOSITION AND/OR COUNTERMOTION.. RETURN HEARING: FMC MEDIATION... CASE MANAGEMENT CONFERENCE

Parties SWORN and TESTIFIED.

Statements by Plaintiff. Court NOTES, there is no objection to Defendant having exclusive possession of the marital residence so long as his community interest remains in tact. Discussion regarding house repairs needed, Defendant seeking pre-qualification and a possible refinance. Further discussion regarding what assets remain, the custodial schedule and each parties' respective

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work schedules.

COURT ORDERED as follows:

1. Parties awarded TEMPORARY JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child. Parties to follow a WEEK ON / WEEK OFF schedule with exchanges taking place on Tuesdays drop-off to school (or 8:00 a.m. when school is not in session). Any exchanges not taking place at the child's school will take place at the Yoga studio utilizing the TEXT AND SEATBELT RULE.

2. Pursuant to STIPULATION, it is agreed that Defendant may take the child out of State for a prearranged vacation from 1/2/20 to 1/7/20 when the child is returned back to Plaintiff.

3. Pursuant to STIPULATION, the child will begin THERAPY. Court notes, it was represented the child is currently scheduled for an initial session on 12/9/19.

4. Each parent will be entitled to one telephone call a day when the child is in the care of the other parent.

5. Due to the similar income and earning capacities of the parties, there is NO CHILD SUPPORT set at this time.

6. Mutual Behavior Order FILED IN OPEN COURT and ISSUED to the Parties.

7. CASE MANAGEMENT CONFERENCE will be CONTINUED to 1/29/20 at 10:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 29, 2020 10:00AM Case Management Conference
Courtroom 03 Gentile, Denise L

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** January 29, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

January 29, 2020 **10:00 AM** **Case Management Conference**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:
Cheryl Slader, Defendant, Counter Claimant, present Pro Se
Cory Colley, Plaintiff, Counter Defendant, present Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

Matter heard concurrently with Case No. T-20-202987-T.

Safenest Advocate, present with Defendant.

Parties SWORN and TESTIFIED.

Statements by Defendant regarding her Motion to Enforce and request for an Order Shortening Time and request to extend the Temporary Protection Order (TPO). Court NOTES, a hearing is currently set on 2/26/20 at 2:00 p.m. on the Motion for Temporary Custody and Visitation and Interview of Child. Court further NOTES a copy of the Motion for an Order to Enforce and Defendant's List of

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Exhibits was served to Plaintiff by the Court Marshal IN OPEN COURT. Discussion regarding procedural history of the case, issues with financial claims and the parties responsibility to exchange all information that is to be used at trial in the matter. Further discussion regarding interim contact between Plaintiff and the child and exchange location.

COURT ORDERED as follows:

1. The TEMPORARY PROTECTION ORDER is CONTINUED to 2/26/20 at 2:00 p.m. Interim Order SIGNED IN OPEN COURT and provided to each side. FEES WAIVED.

2. The ORDER SHORTENING TIME is GRANTED. Order SIGNED and FILED IN OPEN COURT and a filed copy was provided to each side. Defendant's Motion for an Order to Enforce and/or to Show Cause will be set on 2/26/20 at 2:00 p.m. to be heard with the current Motion.

3. In the interim, Plaintiff's week on / week off contact with the child is REINSTATED. Plaintiff will have the child from today (1/29/20) after school to Friday (1/31/20) morning, drop-off to school. Thereafter, Plaintiff's regular week on / week off schedule will resume with his first week starting 2/4/20. Any exchanges not occurring at the child's school on Tuesdays, will occur at the Starbucks located at 1772 S. Rainbow.

4. Parties shall utilize OUR FAMILY WIZARD to communicate regarding all issues involving the minor child, absent an emergency or a time sensitive issue. Order provided IN OPEN COURT.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 29, 2020 10:00AM Case Management Conference
Courtroom 03 Gentile, Denise L

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 26, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

February 26, 2020 2:00 PM All Pending Motions

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:
Cheryl Slader, Defendant, Counter Claimant, present — Pro Se
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- MOTION FOR TEMPORARY CUSTODY, VISITATION AND INTERVIEW OF CHILD WITNESS... DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT... DEFENDANT' OPPOSITION TO MOTION FOR ORDERS FOR TEMPORARY CUSTODY, VISITATION AND/OR CHILD SUPPORT AND COUNTERMOTION... PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT.. PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO MOTION FOR TEMPORARY CUSTODY, VISITATION AND INTERVIEW OF CHILD WITNESS... PLAINTIFF'S RESPONSE TO DEFENDANT'S OBJECTION TO EXHIBIT 3 AND MOTION TO STRIKE AND OBJECT TO DEFENDANT'S 7, 8, 9, 10 AND 12 AND MOTION TO STRIKE

Matter heard concurrently with Case No. T-20-202987-T.

Safe Nest Advocate present with Defendant.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Upon inquiry, parties represented they are still currently following the week on / week off schedule. Statements by Plaintiff regarding his request for a child interview and statements by Defendant regarding her objection and desire to have a 3rd party psychologist interview the child instead. Discussion regarding the property and debt division and the possibility of settling through a third party mediator.

COURT ORDERED as follows:

1. The Temporary Protection Order (T-20-202987-T) is CONTINUED to 3/31/20 at 1:30 p.m. The request for an EXTENSION may be considered at the Settlement Conference on 3/26/20; however, if it is not resolved, the Court will consider it at the hearing on 3/31/20. Both parties are permitted to attend the child's performances and extracurricular activities. Communication through My Family Wizard is also permitted. All child exchanges will occur at the child's school or at the Starbucks. Interim Order FILED IN OPEN COURT.

2. SENIOR JUDGE SETTLEMENT CONFERENCE set on 3/26/20 at 1:30 p.m. Each Party shall submit a brief for the Senior Judge at least seven (7) days prior to the settlement conference, as well as file/serve an updated Financial Disclosure Form (FDF), if necessary, with courtesy copies delivered to the department drop box. Order referring to Senior Judge Settlement Program provided to the parties and FILED IN OPEN COURT.

3. Should the matter not settle, Plaintiff will select the names of three (3) child psychologists/therapists that can perform a taped child interview. Defendant will select from the names provided. Each side will be permitted to provide questions for the therapist.

4. The request for an ORDER TO SHOW CAUSE will be DEFERRED to trial.

5. Each parent is entitled to one (1) phone call a day while the child is in the care of the other parent. The call is to take place by the end of the day.

6. The child will continue to be covered through MEDICAID, so long as it is available. Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the child shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions.

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7. Pursuant to STIPULATION , the parties will file their 2019 taxes separately and Defendant will claim the child.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 28, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

April 28, 2020 **9:30 AM** **Hearing**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:
Cheryl Slader, Defendant, Counter Claimant, present — Pro Se
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- HEARING

Matter heard concurrently with Case No. T-20-202987-T.

Attorney Jullian Tindall, on behalf of Attorney Donn Prokopius, participated VIA TELEPHONICALLY for Defendant in an UNBUNDLED CAPACITY.

Both parties participated VIA TELEPHONICALLY. Parties SWORN and TESTIFIED.

Statements by Attorney Tindall regarding parental interference by Plaintiff and request for extension of the TPO until the parties are able to participate in a Settlement Conference. Statements by Defendant regarding recent incidents at the yoga studio, claims of parental alienation and ongoing violations of the current TPO. Discussion regarding possible service issues. Statements by Plaintiff

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regarding denial of claims by Defendant. Court NOTES, Plaintiff represented he was not served with the TPO because he went and picked it up. Discussion regarding Defendant's claims and concerns of the child's behavior and running away, the child attending therapy and ongoing orders related to family therapy. Court NOTES, it was represented that the Plaintiff's criminal case is set to be heard on 6/26/20. Defendant placed her email address on the record as follows: teachpeacenow2@gmail.com.

COURT ORDERED as follows:

1. The Temporary Protection Order is CONTINUED to 7/7/20 at 11:00 a.m. All prior exceptions are to remain intact. In addition, parties may record all conversations. Interim Order FILED IN OPEN COURT and electronically provided to each side following the hearing.

2. The child will continue his regular weekly therapy with Katie.

3. The Defendant is to provide the names of three (3) therapists to begin FAMILY THERAPY by the end of the week through Our Family Wizard. Plaintiff will have until Wednesday (5/6/20) to select one of the three (3) options or Defendant may select on 5/7/20. All communication regarding this issue is to go through Talking Parents. The parties are to cooperate and participate in the therapy and following the recommendations of the therapist.

4. If there is an issue with the child running away, the authorities are to be contacted.

5. It is agreed that the parties will still participate in a Senior Judge Settlement Conference as soon as they are available. Court NOTES attorney Tindall requests to be contact for the Settlement Conference as well.

Plaintiff is to prepare an Order from today's hearing and provide a draft to Defendant through Talking Parents. If the Order is inconsistent with the provisions placed on the record, the Court will correct and enter the order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 10, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

June 10, 2020 **9:00 AM** **Settlement Conference**

HEARD BY: Ames, Jack B. **COURTROOM:** Conference Room #326

COURT CLERK: Helen Green

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- SR. JUDGE SETTLEMENT CONFERENCE

Jillian Tindall, Esq., #7194, appeared telephonically in an unbundled capacity on behalf of Defendant. Both parties appeared telephonically.

The parties negotiated but were unable to reach an agreement.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 21, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

October 21, 2020 9:00 AM Pre Trial Conference

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Angela Lizada, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

Both parties and Counsel participated via AUDIO VISUAL EQUIPMENT.

Attorney Lizada represented that Plaintiff has been unwilling to discuss settlement and requests a trial setting ninety (90) days out. Statements by the Court as to the importance and need to participate in the discovery process. Court encouraged Plaintiff to discuss possible settlement with Attorney Lizada and to resend his prior settlement offers. Discussion regarding issues with the schedule, Plaintiff's Motion set for 12/02/20 and Defendant's request to specify the holidays. Court NOTES, since neither party is willing to negotiate as to the exchange time and holidays now, the Motion will be heard on the date assigned.

COURT ORDERED as follows:

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1. Pursuant to STIPULATION, the exchange time after school will be changed to 4:00 p.m.

2. Defendant will have the child for the child's Thanksgiving Break this year from Wednesday to Sunday. The parties will SPLIT the child's Christmas Break with the 1st half (including Christmas day) being designated as Plaintiff's this year and the second half will be designated to Defendant this year.

2. NON-JURY TRIAL set for 3/3/21 at 1:30 p.m. (half day).

3. Discovery will remain OPEN and will close thirty (30) days prior to trial. A TRIAL MANAGEMENT ORDER will be issued and provided to each side.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 05, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

November 05, 2020 **8:00 AM** **Minute Order**

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Maureen Torkelson

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present
Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers.

COURT FINDS Defendant's counsel, Rachel Tygret filed a Motion to Withdraw as Attorney of Record for Defendant on October 6, 2020, which is set for hearing on December 1, 2020, at 9:30 a.m. COURT FINDS that a Substitution of Counsel was filed on October 15, 2020 substituting Angela Lizada as counsel for Defendant in place of Rachel Tygret. COURT FINDS, as a result of the Substitution of Counsel, the Motion to Withdraw as Attorney of Record is rendered MOOT.

Therefore, COURT ORDERS the Motion to Withdraw as Attorney of Record is DENIED as MOOT, and the hearing on December 1, 2020, at 9:30 a.m., is VACATED.

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CLERK'S NOTE: On 11/05/2020 a copy of the Court's Minute Order was provided to Plaintiff and to Defense's Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mt)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 25, 2020

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

November 25, 2020 **7:30 AM** **Minute Order**

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Melissa McCulloch

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present
Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers.

COURT FINDS that a Motion to Reconsider Mom s Thanksgiving holiday time was filed on 10/30/2020 and was set for December 1, 2020. COURT FINDS that an Opposition thereto was filed on 11/19/2020. COURT FINDS that Dad filed a Motion for Changing Exchange Times to 7 p.m. on Fridays; Mom filed her Opposition thereto. COURT FINDS that all of these are set for December 1, 2020 at 9:30 a.m. and December 2, 2020 at 2:30 p.m.

COURT has reviewed and considered the Motions and Oppositions and hereby ORDERS the following:

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The Motion regarding Thanksgiving holiday travel is MOOT, as the travel was set to occur on Tuesday November 24, 2020; however, COURT FINDS that the Order for Thanksgiving vacation shall be herein clarified. The parent has the child on the day the child s school break starts, and ends the day before school starts. COURT FINDS that the school break isn t defined on a particular day . COURT FINDS that even given the fact that the Court said the break starts on Wednesday because the Court did not know school ended on Tuesday, this does not mean that Mom was not able to take the trip she had, because school actually ended on Tuesday. COURT FURTHER FINDS that this matter turned into a dispute and that the fact Dad made this trip difficult for Mom is disturbing to the Court and just demonstrates to this Court that these parties thrive on dissension and discord. For future reference, when a school break is being exercised, then it starts the day school lets out for the break, unless otherwise specfically defined by the Court. Accordingly, Mom s Motion for Reconsideration is MOOT, but this Court CLARIFIES for the parties in the future how to handle this situation. Dad is admonished not to continue to be an obstructionist or inflexible just for the sake of being inflexible. Same goes for Mom. The child is the one who suffers in these instances.

The Motion filed by Dad regarding the exchange times and day, COURT ORDERS that this issue shall be part of the Court s trial on the parties divorce. The trial is set for 3/3/2021, at 1:30 p.m. COURT ORDERS that this issue shall be addressed by the Court if Dad makes his presentation to seek these exchange dates and times, at trial. At that time, the Court will make final orders on the issue of custody.

The Court ORDERS the hearings on December 1 and December 2 are hereby VACATED. All remaining matters shall be heard at trial.

COURT FINDS that in addition a Motion for Order to Compel was filed and is set on this Court s chamber s calendar on 1/15/2021, which is improperly filed on this Court s calendar, as it has to be set with the discovery commissioner, so this matter shall be VACATED, as it should be filed with the proper hearing master.

Dad shall prepare the Order consistent with this Minute Order.

CLERK S NOTE: On 11/25/20 a copy of the Court s Minute Order was provided to Defendant and to Plaintiff s Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

INTERIM CONDITIONS:

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FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 03, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

February 03, 2021 10:30 AM Motion

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Gabriella Konicek

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Angela Lizada, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PLTFF'S MOTION TO CONTINUE THE MARCH 3, 2021 EVIDENTIARY HEARING (1ST REQUEST)...DEFENDANT'S LIMITED OPPOSITION TO PLTFF'S MOTION TO CONTINUE THE MARCH 3, 2021 EVIDENTIARY HEARING (1ST REQUEST)

Plaintiff/Dad, Defendant/Mom, Mr. Leavitt, Ms. Lizada and The Honorable Judge Amy Mastin all present by video.

The Court noted both motion and opposition are reasonable requests to the Court and is inclined to grant both. Discussion regarding the order for protection and for the order likewise be continued. Ms. Lizada requested the original terms of the order be reinstated and the communication for the parties to be via Talking Parents application only.

COURT ORDERED the following:

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1. Request to REVERT back to the original TPO order is GRANTED. Parties shall communicate regarding the child via TALKING PARENTS only.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 23, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

February 23, 2021 2:30 PM All Pending Motions

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Ameiona Ratcliff

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Angela Lizada, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- MOTION: PLAINTIFF'S MOTION TO PERMIT CHILD TESTIMONY BY ALTERNATIVE MEANS
OPPOSITION: DEFENDANT'S OPPOSITION TO MOTION FOR CHILD TESTIMONY BY ALTERNATIVE MEANS

Due to Governor Sisolak's Stay Home for Nevada directive, all Parties appeared via BLUEJEANS.

Discussion regarding child's testimony. Ms. Lizada stated the court get to decide the scope of participation by the minor child. Ms. Lizada further stated having the child as a witness is not appropriate. Ms. Lizado further stated previously the Plaintiff/Dad had the opportunity to a child interview a year ago. Ms. Lizada further stated the minor child has expressed he does not desire to participate in testimony. Ms. Lizada stated the minor child is being severely stressed due to the high conflict surrounding the divorce. Ms. Lizada further stated if the child interview is granted, she is not comfortable with the professional ethics of the child interview going through Family Mediation

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Center (FMC) and preference the current therapist Matt Stool to conduct the child interview.

Mr. Leavitt stated we are not talking about a year ago with regard to the child interview. Mr. Leavitt further stated the Parties allow the minor child to make other decisions with regard to his life further proving his maturity and ability to participate in a child interview. Mr. Leavitt further stated he is fine with a referral to family Mediation Center for a Child Interview or the child's current therapist.

Court stated it seems it would be more appropriate for the minor child to conduct a child interview with a person he is comfortable with that being his current therapist. Court further stated the questioning should be standard questions for a child interview.

Colloquy regarding child interview.

COURT NOTED, the child's current therapist is Matt Stool.

COURT ORDERED, pursuant to NRS 50.580 there is a need for the child to testify by alternative means, therefore the Request for a CHILD INTERVIEW through ALTERNATE means is hereby GRANTED.

COURT FURTHER ORDERED, the CHILD INTERVIEW shall be conducted preferably by Matt Stool, the questions should meet the standard questioning and should be in the format of a written report. COURT FURTHER ORDERED, the report shall EXCLUDE a therapeutic solution. The minor child shall be giving the option to state his preference of not wanting to talk about his custodial preference.

COURT FURTHER ORDERED, each side shall identify three (3) questions that can be specifically presented to the minor child.

The Evidentiary Hearing set for 4/15/2021 at 9:00 a.m. shall STAND.

Attorney Lizada shall prepare the Order from today's hearing.

CLERK'S NOTE: On 2/23/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 15, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

April 15, 2021 **9:00 AM** **Non-Jury Trial**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams; Magdalena Castillo-Ramos

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- Non-Jury Trial: Re: custody/divorce (half day)

Minutes completed by courtroom Clerk Magdalena Castillo-Ramos.

Attorney Frank Leavitt Nevada Bar Number 13907 present with Plaintiff.

All parties present via VIDEO CONFERENCE through BlueJeans Application.

Court noted a stipulation order to continue trial was filed since the child interview has not been completed.

Mr. Leavitt requested the child interview be conducted by the Family Mediation Center. Ms. Lizada objected and requested an outsource provider to conduct the child interview.

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COURT ORDERED the Following;

Counsel shall select an Outsource Provider, to conduct the child interview, within fourteen (14) days. Defendant shall bear the cost associated with the child interview;

Should the parties be unable to agree on an outsource provider, the parties shall submit a stipulation and order for a referral to the Family Mediation Center;

If neither, a selected outsource provider or a stipulation and order for a referral to the Family Mediation Center, is received, the matter shall proceed without a child interview;

Ms. Lizada shall prepare the order;

Matter set for a PRE TRIAL CONFERENCE on May 18, 2021 at 10:00 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** May 18, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

May 18, 2021 **10:00 AM** **Pre Trial Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Angela Lizada, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case.

Counsel represented the parties have selected Bree Mullins to conduct the child interview and Ms. Mullins is going to need time to do so. Ms. Lizada advised they have submitted the questions, for the child interview, to the court.

COURT ORDERED the matter shall be CONTINUED until August 10, 2021 at 1:30 PM.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS: May 18, 2021 10:00AM Pre Trial Conference
Courtroom 04 Mastin, Amy M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 10, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

August 10, 2021 **1:30 PM** **Pre Trial Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Angela Lizada, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case.

Discussion regarding Dr. Mullins. Upon inquiry, counsel advised they will need additional time from Dr. Mullins to process the submitted documentation and schedule an appointment with minor. Ms. Lizada advised the process should proceed fairly quickly now.

Ms. Lizada stated Defendant's concerns with Plaintiff violating the joint legal custody provisions and requested Plaintiff be admonished for doing so. Court admonished both parties as to joint legal custody and advised of the expectations the court has for the parties to co-parent.

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COURT ORDERED the matter shall be CONTINUED to October 14, 2021 at 1:30 PM.

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 10, 2021 1:30PM Pre Trial Conference
Courtroom 04 Mastin, Amy M.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 14, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

October 14, 2021 1:30 PM Pre Trial Conference

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Chantal Torres

PARTIES:
Cheryl Slader, Defendant, Counter Claimant, present
Cory Colley, Plaintiff, Counter Defendant, present Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

Minutes completed by Courtroom Clerk Kendall Williams, through JAVS.

Attorney Frank Toti, Nevada Bar No. 5804, present with Defendant.

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case. Court noted custody still at issue. Mr. Leavitt advised the parties are still trying to get minor in for the interview. Mr. Toti advised minor has an appointment on October 25, 2021 and November 1, 2021. Court advised inclined to continue the matter.

Mr. Toti requested the court address any upcoming holidays. Mr. Toti requested the holiday schedule

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be swapped from last year. Mr. Leavitt advised should be able to work out the holidays amongst themselves.

COURT ORDERED the matter shall be CONTINUED to November 18, 2021 at 8:30 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 14, 2021 1:30PM Pre Trial Conference
Courtroom 04 Mastin, Amy M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 18, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

November 18, 2021 **8:30 AM** **Pre Trial Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present	Frank Toti, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present	Pro Se
Jai Colley, Subject Minor, not present	

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case. Court noted counsel has not reviewed the report from Dr. Mullins. Court further noted Dr. Mullins requested the report not be entirely reviewed with the parties.

Upon inquiry, Mr. Leavitt stated the parties should be able to resolve the financial issues. Mr. Leavitt advised custody is the main issue at hand. Mr. Toti confirmed the financials should be able to be resolved.

Discussion regarding Dr. Mullins' report. Court noted minor has a preference as to spending more

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time with Plaintiff. Court advised inclined to continue today's hearing to allow counsel to review the report. Court advised counsel to respect minor's wishes and not share the entire report with the parties.

COURT ORDERED the matter shall be CONTINUED to December 9, 2021 at 9:00 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS: Nov 18, 2021 8:30AM Pre Trial Conference
Courtroom 04 Mastin, Amy M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** December 09, 2021

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

December 09, 2021 9:00 AM **Pre Trial Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: ; Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Frank Toti, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court noted counsel has had a chance to review Dr. Mullins' report. Court advised inclined to set the matter for trial.

Mr. Toti represented there are proposals of settlement, in rotation, and depending on the outcome the parties may be able to resolve the matter without going to trial. Mr. Leavitt agreed and stated, depending on the changes requested to the proposal, the matter may settle.

Discussion regarding Dr. Mullins' child interview report and having her testify as an expert witness at trial. Mr. Toti stated concerns with the report being admitted into evidence when it was not to be

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disseminated entirely to the parties. Court advised Dr. Mullins would need to be present to testify as to the report.

COURT ORDERED the matter set for a NON-JURY TRIAL on March 11, 2022 at 1:30 PM. Department M shall prepare and issue a Trial Management Order.

INTERIM CONDITIONS:

FUTURE HEARINGS: Dec 09, 2021 9:00AM Pre Trial Conference
Courtroom 04 Mastin, Amy M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 28, 2022

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

February 28, 2022 8:30 AM Motion

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- MOTION: MOTION TO ORDER RELEASE OF FULL, CHILD PROTECTIVE SERVICES RECORDS FOR IN CAMERA REVIEW, FOR ORDERS CLARIFYING ACCESS TO AND USE OF CONFIDENTIAL CUSTODY REPORT AT CUSTODY TRIAL, AND FOR ATTORNEY'S FEES AND COSTS

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case. Court noted the parties stipulated to the minor child being interviewed by Dr. Mullins as opposed to him being called as a witness or interviewed by the Family Mediation Center. Court noted the minor child specifically refused to state a custodial preference in the report from Dr. Mullins.

Arguments by counsel regarding receiving testimony from the minor child. Court noted Dr. Mullins

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could be called as a witness. Court advised the report should be enough and it would be unfortunate if the minor child would have to be called to testify.

Further arguments by counsel regarding the Child Protective Services report and obtaining an unredacted version. Ms. Vaccarino stated concerns with the minor child having given different statements to various agencies.

Further discussion regarding remaining issues, including witness disclosures.

COURT ORDERED the following;

Plaintiff and Defendant shall be allowed to review the report from Dr. Mullins;

The minor child may be produced as a witness at the time of trial;

Ms. Vaccarino shall provide Mr. Leavitt with a copy of the Child Protective Services report;

Dr. Mullins may be called as a witness at the time of trial;

Attorney's fees shall be DENIED;

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 11, 2022 1:30PM Non-Jury Trial
Courtroom 04 Mastin, Amy M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** March 11, 2022

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

March 11, 2022 **1:30 PM** **Non-Jury Trial**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams; Martha Casique

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- NON-JURY TRIAL

HOUSEKEEPING. Discussion regarding stipulated exhibits and discovery deadlines.

OPENING STATEMENTS.

Witnesses SWORN and TESTIFIED. Exhibits presented and admitted. (See worksheets).

Discussion regarding setting further proceedings.

COURT ORDERED the following;

Ms. Vaccarino shall prepare an Order re: the Release of CPS records to counsel;

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Clark County's Motion to Quash Subpoena, set on April 25, 2022, shall be VACATED as MOOT. District Attorney's Office is no longer required to appear;

Counsel shall submit CLOSING BRIEFS by 5:00 PM on March 25, 2022. Briefs shall be LIMITED to fifteen (15) pages;

Court shall issue a DECISION by April 8, 2022 which shall include a future hearing regarding financials.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 09, 2022

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

June 09, 2022 **11:00 AM** **Pre Trial Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE-TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE through the Bluejeans application.

Court reviewed the case and noted the matter has been appealed. Court noted the remaining issues are financial, and the appeal has to do with the custody aspect, but depending on the decision of the appeal the matter may have to start over anyway. Court advised inclined to take the matter off calendar pending the decision from the appellate court.

COURT ORDERED matter taken OFF CALENDAR.

INTERIM CONDITIONS:

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FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint	**COURT MINUTES**	November 08, 2022

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

November 08, 2022 **8:00 AM** **Minute Order**

HEARD BY: Mastin, Amy M. **COURTROOM:** Chambers

COURT CLERK: Antoria Pickens

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, not present — Patricia Vaccarino, Attorney, not present
Cory Colley, Plaintiff, Counter Defendant, not present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- MINUTE ORDER - NO HEARING HELD

NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 5.702 the Court may issue a decision on a motion as it deems appropriate.

COURT FINDS on October 7, 2022, Attorney Frank Leavitt filed a Motion to Withdraw as Counsel of Record for Plaintiff, which was set in chambers for a decision without a hearing on December 5, 2022. COURT FURTHER FINDS on October 24, 2022, a Request for Submission of Motion to Withdraw as Counsel of Record for Plaintiff was filed. COURT FURTHER FINDS on November 7, 2022, an Order granting Attorney Leavitt s Motion to Withdrawal was filed. As the Motion to Withdraw as Counsel of Record for Plaintiff is now moot, COURT ORDERS the December 5, 2022 hearing is VACATED.

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A copy of the Court s minute order shall be provided to Plaintiff, Defendant s Attorney, and Attorney Leavitt via email, if an email address is on record with the Court; if no email address is available then the Minute Order shall be mailed to the physical address of record. (ap)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** March 14, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

March 14, 2023 8:30 AM Pre Trial Conference

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 18

COURT CLERK: Kendall Williams

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- PRE TRIAL CONFERENCE

All parties present via VIDEO CONFERENCE.

Discussion regarding setting the next proceedings.

Ms. Vaccarino stated concerns with the Judicial Officer hearing the matter. The court advised it has a duty to finish the trial.

Ms. Vaccarino objected to participating in today's hearing. Court noted the motion set to be heard on April 11, 2023 in department O.

Plaintiff stated he would need a couple of months to fully prepare for trial on the financials. Ms.

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Vaccarino advised she is not prepared to go to trial on the financials as the custodial issues have not been fully resolved.

COURT ORDERED the following;

Plaintiff's RESPONSE filed on February 14, 2023 shall be STRICKEN as it contains settlement negotiations;

Plaintiff's EXHIBITS filed on March 10, 2023 shall be STRICKEN as it contains settlement negotiations;

Matter CONTINUED to April 11, 2023 at 10:00 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 11, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

April 11, 2023 **10:00 AM** **All Pending Motions**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Andrelle Stanley

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- MOTION TO CONFIRM DEPARTMENT ASSIGNMENT TO DEPARTMENT O, PROHIBITING JUDGE MASTIN FROM PRESIDING OVER ANY PROCEEDINGS, AND FOR RELATED RELIEF ... PRE TRIAL CONFERENCE ... OPPOSITION TO DEFENDANT'S MOTION TO CONFIRM DEPARTMENT ASSIGNMENT TO DEPARTMENT O, PROHIBITING JUDGE MASTIN FROM PRESIDING OVER ANY PROCEEDINGS AND FOR RELATED RELIEF

All parties present via VIDEO CONFERENCE through the BlueJeans application.

Court noted the extensive history of the case. Court further noted the pleadings and papers on file.

Discussion regarding the Divorce, prior Orders, division of assets and debts, and outstanding issues. Court and Attorney Vaccarino also discussed the department reassignment. Court further noted its receipt of the prior Findings of Fact and Conclusions of Law and Decree of Divorce. Court further

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noted the request for attorney's fees and costs were deferred to the bifurcated property and debt proceedings. Upon inquiry, Attorney Vaccarino confirmed that there still needs to be a resolution on custody as it pertains to holidays and summer.

Plaintiff made inquiries as to a global resolution of all issues. Court further noted custody is supposed to be determined within six (6) months of filing the Complaint.

Attorney Vaccarino requested an evidentiary hearing be set or a standard holiday schedule be ordered. Attorney Vaccarino described the possibility of a change in circumstances that warrant modifications. Court reiterated custody needs to be resolved. Upon inquiry, Attorney Vaccarino further confirmed that a trial is also needed as to the division of assets and debts.

Court further noted the parties share joint legal custody of the child with Plaintiff having primary physical custody and Defendant having visitation.

Further discussion regarding setting the matter for future proceedings, procedural issues, the remaining disputes concerning custody, the prior waiver of alimony, future Motions to be filed, Financial Disclosure Forms (FDF), and stricken pleadings.

COURT ORDERED, as follows:

Defendant's MOTION to CONFIRM DEPARTMENT ASSIGNMENT to DEPARTMENT O is MOOT;

Matter is SET for an EVIDENTIARY HEARING on June 1, 2023 at 1:30 PM (1/2 day) regarding HOLIDAYS and SUMMER and the CALENDAR CALL is SET on May 16, 2023 at 11:00 AM. Department O shall prepare and issue a Trial Management Order;

Matter is also SET for a NON-JURY TRIAL on August 9, 2023 at 1:30 PM (1/2 day) regarding the DIVISION OF ASSETS AND DEBTS and the CALENDAR CALL is SET on August 1, 2023 at 11:00 AM. Department O shall prepare and issue a Trial Management Order;

Plaintiff's RESPONSE filed on February 14, 2023 [Docket No. 200] and Plaintiff's EXHIBITS filed on March 10, 2023 [Docket No. 204] shall be STRICKEN from the record;

Attorney Vaccarino shall prepare and submit the Order from today's hearing to Department O.

INTERIM CONDITIONS:

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FUTURE HEARINGS: May 16, 2023 11:00AM Calendar Call
Courtroom 04 McConnell, Regina M.

Jun 01, 2023 1:30PM Evidentiary Hearing
re: Custody and Related Issues (1/2 day)
Courtroom 04 McConnell, Regina M.

Aug 01, 2023 11:00AM Calendar Call
Courtroom 04 McConnell, Regina M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** May 16, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

May 16, 2023 **11:00 AM** **Calendar Call**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Martha Casique

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- CALENDAR CALL

All parties appeared by video conference.

On the Court's inquiry, Attorney Vaccarino and Plaintiff confirmed they are prepared for trial on the custody issues.

Attorney Vaccarino advised, there has been a change of circumstances and intends to file a motion. Presently, only holidays and vacation is before the Court. On Attorney Vaccarino's statement she may seek an Order Shortening Time to have those issues addressed at the upcoming trial, the Court informed such may be filed and the Court will consider it then.

Regarding having the child testify at trial, the Court noted, the child has been interviewed and the

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Court is not inclined to have him called as a witness on the pending issues of holidays/vacation.

WHEREFORE, THE COURT ORDERED:

Trial on custody issues shall remain as scheduled on June 1, 2023 at 1:30 p.m.

The Minutes shall stand as the Order of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 16, 2023 11:00AM Calendar Call
Courtroom 04 McConnell, Regina M.

Jun 01, 2023 1:30PM Evidentiary Hearing
re: Custody and Related Issues (1/2 day)
Courtroom 04 McConnell, Regina M.

Aug 01, 2023 11:00AM Calendar Call
Courtroom 04 McConnell, Regina M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 01, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

June 01, 2023 **1:30 PM** **Evidentiary Hearing**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Laysha Guerrero

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: RE: CUSTODY AND RELATED ISSUES (1/2 DAY)

All parties were present IN PERSON.

COURT NOTED there was already an evidentiary hearing regarding custody and that a divorce was granted. COURT FURTHER NOTED today is only on holidays and regarding joint legal custody language.

Colloquy regarding stipulating to Exhibits.

Parties were sworn and testified.

Opening statements presented by Plaintiff and Attorney Vaccarino.

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Sworn testimony by Parties. Exhibits offered and admitted (See exhibit worksheets).

Matter recessed.

Matter reconvened

Closing arguments presented by Plaintiff and Attorney Vaccarino.

THE COURT FOUND that Defendant's testimony was credible with regards to Mothers day.

COURT NOTED there was no Fathers Day proposed in Plaintiffs proposal which does corroborate Defendant's testimony.

Court inquired with Parties on clarification regarding summer. Attorney Vaccarino suggested week on week off and that the vacation time be honored as agreed upon by the Parties.

COURT NOTED the Clark County School's schedule did change to make Easter not associated with spring break.

THE COURT FINDS that based on Defendant's request for Christmas, Defendant can have until December 29th and Plaintiff will have the remainder of the break.

Colloquy regarding changing the exchange day during the summer to Thursday at 6:00 p.m.

Colloquy regarding the minor child's insurance and the Minor Child receiving therapy.

Parties STIPULATED to the following:

1. The Parties will CONTINUE to EXCHANGE the Minor Child at the DOWNTOWN Arts Factory located at 107 E Charleston Blvd, Las Vegas, NV 89104.

2. For the SUMMER SCHEDULE only, the EXCHANGE of the Minor Child will be on Thursdays at 6:00 p.m until Monday at 5:30 p.m. The EXCHANGES will be at the Arts Factory located at 107 E Charleston Blvd, Las Vegas, NV 89104.

3. Plaintiff will PROVIDE the Minor Child's Insurance Information and the Provider List to Defendant through Our Family Wizard.

COURT SO ORDERED.

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COURT FURTHER ORDERED the following:

1. The Order from the Joint Legal Custody shall be INCORPORATED with the Order from today's; 6/1/2023 Order.

2. THANKSGIVING BREAK shall BEGIN at, at school PICK UP and will CONTINUE until at school DROP OFF. Defendant shall get EVEN years and Plaintiff shall get ODD years.

3. WINTER BREAK shall BEGIN at, at school PICK UP until December 29th at 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years.

4. SPRING BREAK shall BEGIN at, at school PICK UP and will CONTINUE until at school DROP OFF; Plaintiff shall get EVEN years and Defendant shall get ODD YEARS.

5. EASTER shall BEGIN on Saturday at 8pm to Monday at school DROP OFF or at 10:00 a.m. Plaintiff shall get ODD years and Defendant shall get EVEN YEARS.

6. HALLOWEEN shall BEGIN October 31st at, at school PICK UP or at 3:00 p.m. until the next day at school DROP OFF or at 10:00 a.m. Defendant shall have Odd years and Plaintiff will have EVEN years.

7. 4th OF July shall BEGIN on July 3rd at 5:00 p.m. until July 5th at 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years.

8. MEMORIAL DAY shall BEGIN the Friday before the holiday at, at school pick up or at 4:00 p.m. until the following Tuesday at school DROP OFF or 10:00 a.m. Plaintiff shall get ODD years and Defendant shall get EVEN years.

9. LABOR DAY shall BEGIN the Friday before the holiday at, at school pick up or at 4:00 p.m. until the following Tuesday at school DROP OFF or 10:00 a.m. Defendant shall get ODD years and Plaintiff shall get EVEN years.

10. VETERANS DAY shall begin at 10:00 am the day of the holiday until the next day at 10:00 a.m. Plaintiff shall have Veterans Day EACH year.

11. MOTHERS DAY and FATHERS DAY shall begin on Saturday at 8:00 p.m. to Monday at 10:00 p.m. Plaintiff shall get Fathers Day EACH year and Defendant shall get Mothers Day EACH year.

12. The Minor Child's BIRTHDAY; June 28th, shall be Celebrated from June 28th at 10:00 a.m. to 10:00

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a.m. June 29th. Defendant shall get ODD years and Plaintiff shall get EVEN years.

13. On Defendant's BIRTHDAY; October 26th, Defendant shall get the Minor Child at school PICKUP or at 10:00 a.m. until at school DROP OFF or 10:00 a.m the next day.

14. On Plaintiff's BIRTHDAY; September 22nd, Plaintiff shall get the Minor Child at school PICKUP or at 10:00 a.m. until at school DROP OFF or 10:00 a.m. the next day.

15. PRESIDENTS DAY; Defendant shall get EVEN years and Plaintiff shall get ODD years. Presidents Day shall begin once the minor child is out of school to at school DROP OFF.

16. MARTIN LUTHER KING day shall BEGIN at, at school PICK UP on Friday until at school DROP OFF on Tuesday. Defendant shall get ODD years and Plaintiff shall get EVEN years.

17. PRESIDENTS DAY shall BEGIN at, at school PICK UP on Friday until at school DROP OFF on Tuesday. Defendant shall get EVEN years and Plaintiff shall get ODD years.

18. NEVADA ADMISSION DAY shall begin at 10:00 a.m. the day of the holiday until the next day at 10:00 a.m. Defendant shall have Nevada Day EACH year.

19. For SUMMER, Defendant shall have the Minor Child from June 12th through the 16th which will then CARRY into Defendant's scheduled time. For NEXT SUMMER; 2024, the Parties shall follow a WEEK ON WEEK OFF schedule. For Summer of 2024, Plaintiff shall have the MINOR CHILD for the 1st week when school lets out on the 20th and Defendant shall have the Minor Child for Memorial Day weekend and it will CONTINUE until June 2nd with the exchanges on Sundays.

20. Defendant shall PROVIDE the names of three (3) COUNSELORS to Plaintiff within ten (10) day from 6/1/2023 and Plaintiff will have 10 days once he receives the names to CHOOSE one (1). The Parties shall ABIDE by the counselors RECOMMENDATIONS. If the Parties do not AGREE on one (1), the three (3) names shall be SUBMITTED to the Court.

Attorney Vaccarino shall Prepare the Order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** July 12, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

July 12, 2023 **10:00 AM** **All Pending Motions**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Andrelle Stanley

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present
Cory Colley, Plaintiff, Counter Defendant, present — Pro Se
Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- ORDER TO SHOW CAUSE RE: NON SUBMISSION OF ORDER FROM JUNE 1, 2023 EVIDENTIARY HEARING HEARING RE: DEFENDANT/COUNTERCLAIMANT'S REPLY BRIEF DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELATED RELIEF, AND FOR ATTORNEY'S FEES AND COSTS PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELATED RELIEF, AND FOR ATTORNEY'S FEES AND COSTS

The matter was heard via VIDEO CONFERENCE through the BlueJeans application.

Discussion regarding the pending order from the June 1, 2023, Evidentiary Hearing. Upon the Court's inquiry, Plaintiff stated he would address the pending order before July 14th, 2023.

Attorney Vaccarino stated the Defendant is seeking modification of the time share in the Divorce Decree and is not seeking to modify the most recent order regarding holiday visitation. Upon the

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Court's inquiry, Attorney Vaccarino stated the Supreme Court indicated that the holiday issue was to be resolved before the pending appellate issues could be addressed.

COURT NOTED the Petition indicates Plaintiff's basis for modification is the minor child's poor grades. Court further NOTED the Opposition requests a child interview and additionally raised concerns regarding domestic violence.

Attorney Vaccarino requested an evidentiary hearing be set today to address the modification. Attorney Vaccarino further stated the parties should be able to reach a resolution regarding the remaining financial issues.

Discussion regarding the child interview and counseling for the minor child. Attorney Vaccarino stated a child interview would be harmful for the minor child and harmful to the delayed therapeutic process. Plaintiff stated the minor child would be more than willing to attend the child interview to ensure his position is heard.

COURT NOTED parties are not to discuss the matter with the minor child.

COURT stated its FINDINGS and ORDERED the following:

1. Parties are referred to Family Mediation Center (FMC) for CHILD INTERVIEW. Order for Family Mediation Services to be prepared the Court.

2. Calendar Call shall be SET for August 1st, 2023, at 11:00 a.m.

3. Evidentiary Hearing re: Modification of Custody shall be SET for August 9th, 2023 at 1:30 p.m.

4. Non-Jury Trial re: Divorce and Related Issues shall be RESCHEDULED for January 4th, 2024 at 1:30 p.m.

Attorney Vacarrino to prepare the order from today's hearing.

CLERK'S NOTE: Minutes were prepared by Courtroom Clerk: Leo Varona/LV.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 04, 2024 1:30PM Non-Jury Trial
re: Financials Only (1/2 Day)
Courtroom 04 McConnell, Regina M.

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DISTRICT COURT

CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 01, 2023

D-19-590338-D Cory Lawrence Colley, Plaintiff
vs.
Cheryl Ann Slader, Defendant.

August 01, 2023 11:00 AM Calendar Call

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Andrelle Stanley

PARTIES:

Cheryl Slader, Defendant, Counter Claimant, present — Patricia Vaccarino, Attorney, present

Cory Colley, Plaintiff, Counter Defendant, present — Pro Se

Jai Colley, Subject Minor, not present

JOURNAL ENTRIES

- CALENDAR CALL

All parties were present via VIDEO CONFERENCE through the BLUEJEANS application.

Court called the case.

COURT TRAILED the matter due to Attorney Vaccarino experiencing technical difficulties with BLUEJEANS.
MATTER RECALLED with all parties present.

Court noted the child interview. Court summarized today's proceedings. Court further noted it will consider the child's wishes moving forward as to the modification of custody. Attorney Vaccarino commented that Defendant has not reviewed the interview per the child's request.

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Discussion regarding preliminary agreements, communication between the parties, the child's counseling, Defendant's visitation, co-parenting, the child's schooling, and trial readiness.

COURT ORDERED, as follows:

Pursuant to STIPULATION, the EVIDENTIARY HEARING is RESET to August 16, 2023 at 1:30 PM; and

The NON-JURY TRIAL currently SET on January 4, 2024 at 1:30 PM shall STAND.

OFF THE RECORD.

COURT FURTHER ORDERED, no ORDER shall be necessary from today's hearing. MINUTES SUFFICE.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 04, 2024 1:30PM Non-Jury Trial
re: Financials Only (1/2 Day)
Courtroom 04 McConnell, Regina M.

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EXHIBIT LIST

CASE NO. D-19-590338-D

DEPT NO. O

Cory Lawrence Colley

, PLAINTIFF_____,

VS

Cheryl Ann Slader

, DEFENDANT_____.

Hearing/Trial Date: 6/1/2023

Judge: Regina M. McConnell

Court Clerk: Laysha Guerrero

Recorder: JAVS

Counsel for Plaintiff: Pro se

Counsel for Defendant: Patricia L. Vaccarino

HEARING / TRIAL BEFORE THE COURT

Plaintiff'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Obj	Date Admitted
1	Plaintiffs proposed Holiday and vacation schedule	6/1/23	No	6/1/23
2	Our Family Wizard message Report	6/1/23	No	6/1/23

DEFENDANT/COUNTERCLAIMANT's PROPOSED EXHIBIT LIST

COLLEY v. SLADER
CASE NO. D-19-590338-D

NO.	EXHIBIT DESCRIPTION	OFRD	OBJT	ADMT
A	Proposed Holiday and Vacation Plan (CS - 001 to CS - 004)	6/1/23	NO	6/1/23
B	Screenshots of Jai's current grades for Term Q3 (01/03/2023 - 03/10/2023), Screenshots of Jai's Quarter Grades for Term Q3 (01/04/2022 - 03/11/2022), which CHERYL attempted to have admitted as Exhibit "J" at the March 11, 2022 trial when the parties were sharing joint physical custody, and copy of Jai's Academic History printed on March 8, 2023 (CS - 005 to CS - 010)	6/1/23	Yes	No
C	Letter from CHERYL's doctor, Michelle Lin, DO, dated April 28, 2023 regarding CHERYL's cancer diagnosis, letter from Safenest dated April 28, 2023, and letter from Michelle Lin, DO, of My Family Doc, dated February 8, 2022, with attached Generalized Anxiety Disorder Screener (GAD-7) and Patient Health Questionnaire (PHQ-9) (CHERYL PREVIOUSLY ATTEMPTED TO HAVE THIS LETTER AND ATTACHMENT ADMITTED AT TRIAL AS EXHIBIT "AA". THIS CONFIDENTIAL DOCUMENT MUST BE CONFIDENTIALLY MAINTAINED BY THE COURT SINCE PLAINTIFF IS CURRENTLY APPEARING IN PROPER PERSON) (CS - 011 to CS - 020)	Returned to counsel 6/1/23		
D	Our Family Wizard communications between the parties revealing that CHERYL told Plaintiff about Jai's request to spend more time with CHERYL and to attend therapy with CHERYL, and Plaintiff denying it (CS - 021 to CS - 023)	6/1/23	Yes	6/1/23
E	Our Family Wizard communications between the parties wherein Plaintiff is asking for more child support for insurance that CHERYL told him not to put Jai on and how Plaintiff's refusal could negatively impact both Jai and CHERYL (CS - 024 to CS - 033)	6/1/23	Yes	6/1/23
F	Our Family Wizard messages sent to Plaintiff regarding requesting additional time and Plaintiff ignoring most of the messages (CS - 034 to CS - 039)	6/1/23	Yes	6/1/23

NO.	EXHIBIT DESCRIPTION	OFRD	OBJT	ADMT
**	Any and all of Plaintiff/Counterdefendant's proposed Exhibits	_____	_____	_____
**	Impeachment and Rebuttal Exhibits as may be necessary	_____	_____	_____

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

PATRICIA L. VACCARINO, ESQ.
10161 PARK RUN DR., STE 150
LAS VEGAS, NV 89145

DATE: August 18, 2023
CASE: D-19-590338-D

RE CASE: CORY LAWRENCE COLLEY vs. CHERYL ANN SLADER

NOTICE OF APPEAL FILED: August 16, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases
- *Previously paid Bonds are not transferable between appeals without an order of the District Court.*

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

CORY LAWRENCE COLLEY,

Plaintiff(s),

vs.

CHERYL ANN SLADER,

Defendant(s),

Case No: D-19-590338-D

Dept No: O

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 18 day of August 2023.

Steven D. Grierson, Clerk of the Court

Amanda Hampton, Deputy Clerk