Electronically Filed
05/03/2024
CLERK OF THE COURT

No. D-22-656501-D

Dept. No. O

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF Clark

Electronically Filed
May 09 2024 02:32 PM
Elizabeth A. Brown
Clerk of Supreme Court

Nicole Birge., Plaintiff }
v. }
Joe Birge, Defendant }

NOTICE OF APPEAL

Notice is hereby given that Nicole Birge, plaintiff above named, hereby appeals to the Supreme Court of Nevada from the order of divorce entered in this action on the 4th day of April, 2024.

/s/ Nicole Birge

10423 Beaver Tail, Las Vegas, NV 89178

Electronically Filed
5/7/2024 1:34 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

NICOLE CHERIE BIRGE,

Plaintiff(s)

vs.

JOE LARRY BIRGE,

Defendant(s),

Case No: D-22-656501-D

Dept No: O

CASE APPEAL STATEMENT

1. Appellant(s): Nicole Birge

2. Judge: Regina M. McConnell

3. Appellant(s): Nicole Birge

Counsel:

Nicole Birge
10423 Beaver Tail
Las Vegas, NV 89178

4. Respondent (s): Joe Larry Birge

Counsel:

Kenneth S. Friedman, Esq.
700 South 9th St.
Las Vegas, NV 89101

Case Number: D-22-656501-D

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: October 12, 2022

10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

Type of Judgment or Order Being Appealed: Divorce Decree

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Case involves Child Custody and/or Visitation: Custody and Visitation
Appeal involves Child Custody and/or Visitation: Custody and Visitation

13. Possibility of Settlement: Unknown

Dated This 7 day of May 2024.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum

Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Nicole Birge

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-22-656501-D

Nicole Cherie Birge, Plaintiff	§	Location:	**Department O**
vs.	§	Judicial Officer:	**McConnell, Regina M.**
Joe Larry Birge, Defendant.	§	Filed on:	**10/12/2022**
	§	Case Number History:	

CASE INFORMATION

Statistical Closures
04/04/2024 Settled/Withdrawn With Judicial Conference or Hearing

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

Case Status: **04/04/2024 Closed**

Case Flags: **Order / Decree Logged Into Department**
Appealed to Supreme Court

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	D-22-656501-D
Court	Department O
Date Assigned	03/27/2023
Judicial Officer	McConnell, Regina M.

PARTY INFORMATION

Plaintiff	**Birge, Nicole Cherie**	**Barry, Melissa M.** *Retained* 702-602-5004(W) **Aronson, Joshua Tovim** *Retained* 702-384-9800(W)
Defendant	**Birge, Joe Larry**	**Friedman, Kenneth S.** *Retained* 702-474-4660(W)
Subject Minor	**Birge, Jayla Renee**	
	Birge, Jonathan Rhys	
	Birge, Jrue Rion	

DATE — EVENTS & ORDERS OF THE COURT

EVENTS

10/12/2022 Complaint for Divorce
Filed by: Counter Defendant Birge, Nicole Cherie
[1] Complaint for Divorce

10/12/2022 Request for Issuance of Joint Preliminary Injunction
Filed By: Counter Defendant Birge, Nicole Cherie
[2] Request for JPI

10/12/2022 Summons Electronically Issued - Service Pending
Filed by: Counter Defendant Birge, Nicole Cherie
[3] Summons

10/13/2022 Joint Preliminary Injunction

Filed by: Counter Defendant Birge, Nicole Cherie
[4] JPI

11/15/2022 Affidavit of Service
Filed By: Counter Defendant Birge, Nicole Cherie
[5] Affidavit of Service

11/21/2022 Answer and Counterclaim
[6] Answer And Counterclaim For Divorce

11/21/2022 Peremptory Challenge
Filed By: Counter Claimant Birge, Joe Larry
[7] Peremptory Challenge of Judge

11/22/2022 Notice of Department Reassignment
[8] Notice of Department Reassignment

11/22/2022 Notice of Appearance
Party: Counter Claimant Birge, Joe Larry
[9] Notice of Appearance

11/22/2022 Financial Disclosure Form
Filed by: Counter Claimant Birge, Joe Larry
[10] Financial Disclosure Form

11/22/2022 NRCP 16.2 Case Management Conference Order
[11] Order Setting CMC and Directing Compliance with NRCP 16.2

11/22/2022 Order for Family Mediation Center Services
[12] Order for FMC Services

11/29/2022 Motion
Filed By: Counter Defendant Birge, Nicole Cherie
[13] Motion for Temporary Custody Orders, Child Support, Temporary Maintenance, Sale of Marital Residence, Preliminary Attorney Fees and Costs and Related Relief

11/30/2022 Notice of Hearing
[14] Notice of Hearing

12/02/2022 Financial Disclosure Form
Filed by: Counter Defendant Birge, Nicole Cherie
[15] Plaintiff's FDF

12/05/2022 Financial Disclosure Form
Filed by: Counter Defendant Birge, Nicole Cherie
[16] Plaintiff's Amended FDF

12/08/2022 Ex Parte Application
Filed by: Counter Defendant Birge, Nicole Cherie
[17] Ex Parte Motion for an Order Shortening Time

12/08/2022 Certificate of Service
Filed by: Counter Defendant Birge, Nicole Cherie
[18] Certificate of Service for Motion for Temporary Orders and Notice of Hearing

12/09/2022 Order Shortening Time
[19] Order Shortening Time

12/19/2022 Notice of Entry of Order
Filed By: Counter Defendant Birge, Nicole Cherie
[20] Notice of Entry of Order

12/21/2022 Opposition and Countermotion
[21] Defendants Opposition To Plaintiffs Motion For Temporary Custody Orders, Child Support, Temporary Maintenance, Sale Of Martial Resienced, Preliminary Attorney Fes And Costs, And Related Relief And

Countermotion For Child Interview

12/29/2022 Reply to Counterclaim
Filed By: Counter Defendant Birge, Nicole Cherie
[22] Reply to Counterclaim - Plaintiff's Reply to Defendant's Counterclaim

12/30/2022 Objection
Filed By: Counter Claimant Birge, Joe Larry
[23] Defendant's Objection to Authenticity and Hearsay

12/30/2022 Reply
Filed By: Counter Defendant Birge, Nicole Cherie
[24] Reply to Opposition to Motion for Temporary Custody Orders, Child Support, Temporary Maintenance, Sale of Marital Residence, Preliminary Attorney Fees and Costs and Related Relief and Opposition To Countermotion for Child Interview -Plaintiff's Reply to Defendant's Opposition

01/05/2023 Exhibits
Filed By: Counter Claimant Birge, Joe Larry
[25] Exhibits to Defendant's Opposition to Plaintiff's Motion for Temporary Custody Orders, Child Support, Temporary Maintenance, Sale Of Martial Residence, Preliminary Attorney Fees And Costs, and Related Relief and Countermotion for Child Interview

01/09/2023 Brief
Filed By: Counter Defendant Birge, Nicole Cherie
[26] Plaintiff's Case Management Conference Brief

01/20/2023 Amended Motion
Filed by: Counter Defendant Birge, Nicole Cherie
[27] Amended Motion for Temporary Custody Orders, Child Support, Temporary Maintenance, Sale of Marital Residence, Preliminary Attorney Fees and Costs and Related Relief

01/25/2023 Financial Disclosure Form
Filed by: Counter Claimant Birge, Joe Larry
[28] General Financial Disclosure Form

01/26/2023 Notice
Filed By: Counter Defendant Birge, Nicole Cherie
[29] Notice Of Non-Opposition To Plaintiffs Amended Motion For Temporary Custody Orders, Child Support, Temporary Maintenance, Sale Of Marital Residence, Preliminary Attorney Fees And Costs And Related Relief

01/31/2023 Parenting Agreement
[30] Partial Parenting Agreement

01/31/2023 Case Management Order
[31] CMO from 1.26.23 CMC

02/01/2023 Amended Complaint
Filed By: Counter Defendant Birge, Nicole Cherie
[32] First Amended Complaint for Divorce

02/06/2023 Amended Answer
[33] AMENDED ANSWER AND AMENDED COUNTERCLAIM FOR DIVORCE

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

02/27/2023 Reply to Counterclaim
Filed By: Counter Defendant Birge, Nicole Cherie
[34] Reply to Counterclaim

03/08/2023 Notice of Taking Deposition
Filed by: Counter Defendant Birge, Nicole Cherie
[35] Notice of Taking Deposition

03/09/2023 Opposition
Filed By: Counter Claimant Birge, Joe Larry

[36] Defendants Opposition To Plaintiffs Motion To Relocate To Washington

03/09/2023 Exhibits
Filed By: Counter Claimant Birge, Joe Larry
[37] Exhbits To Defendants Opposition To Plaintiffs Motion To Relocate To Washington

03/15/2023 Notice of Taking Deposition
Filed by: Counter Defendant Birge, Nicole Cherie
[38] Notice of Taking Deposition

03/17/2023 Re-Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[39] Re-Notice of Taking Deposition

03/21/2023 Affidavit of Service
Filed By: Counter Defendant Birge, Nicole Cherie
[40] Affidavit of Service

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

04/06/2023 Notice of Rescheduling of Hearing
[41] Notice of Rescheduling of Hearing

04/12/2023 Notice to Vacate Deposition
Filed By: Counter Defendant Birge, Nicole Cherie
[42] Plaintiff's Notice to Vacate Deposition

04/12/2023 Certificate of Service
Filed by: Counter Claimant Birge, Joe Larry
[43] Certificate of Service

04/24/2023 Re-Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[44] Plaintiff's Re-Notice of Taking Deposition

05/08/2023 Amended Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[45] Plaintiff's Amended Notice of Taking Deposition

05/11/2023 Re-Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[46] Plaintiff's Re-Notice of Taking Deposition

05/15/2023 Financial Disclosure Form
Filed by: Counter Defendant Birge, Nicole Cherie
[47] Plaintiff's Financial Disclosure Form

05/15/2023 Ex Parte Application
Filed by: Counter Defendant Birge, Nicole Cherie
[48] Ex Parte Request for Temporary Orders for Child Support, Temporary Maintenance, Preliminary Attorney's Fees and Costs and Related Relief

05/18/2023 Order for Family Mediation Center Services (Judicial Officer: McConnell, Regina M.)
[49] Child Interview - Copies were provided to counsel on 05/18/2023 (lls)

05/19/2023 Scheduling Order
[50] Non Jury Trial Management Order

05/25/2023 Notice
Filed By: Counter Defendant Birge, Nicole Cherie
[51] Notice of Unavailability of Counsel

05/30/2023 Opposition
Filed By: Counter Claimant Birge, Joe Larry

[52] Opposition To Plaintiffs Ex Parte Request For Temporary Orders For Child Support, Temporary Maintenance, Preliminary Attorney Fees And Costs And Related Relief

05/30/2023 Financial Disclosure Form
Filed by: Counter Claimant Birge, Joe Larry
[53] Defendant's Financial Disclosure Form

05/31/2023 Re-Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[54] Plaintiff's Re-Notice of Taking Deposition

06/02/2023 Re-Notice
Filed by: Counter Defendant Birge, Nicole Cherie
[55] Plaintiff's Re-Notice of Taking Deposition

06/07/2023 Notice
Filed By: Counter Defendant Birge, Nicole Cherie
[56] Notice of Intent to Serve Subpoena Duces Tecum--Verizon

06/07/2023 Notice
Filed By: Counter Defendant Birge, Nicole Cherie
[57] Notice of Intent to Serve Subpoena Duces Tecum--NV Energy

06/15/2023 Objection
Filed By: Counter Claimant Birge, Joe Larry
[58] Defendant's Objection to Plaintiff's Subpoena Duces Tecum

06/15/2023 Motion
Filed By: Counter Claimant Birge, Joe Larry
[59] Motion for a Protective Order Pursuant to NRCP 45(a)(b)

06/15/2023 Clerk's Notice of Hearing
[60] Clerk's Notice of Hearing

06/27/2023 Order
[61] Order from June 15, 2023 Hearing

06/28/2023 Opposition and Countermotion
Filed By: Counter Defendant Birge, Nicole Cherie
[62] Plaintiff's Opposition to Motion for Protective Order Pursuant to NRCP 45(a)(b) and Countermotion for Attorney's Fees

06/29/2023 Declaration of Service
Filed by: Counter Defendant Birge, Nicole Cherie
[63] Declaration of Service (Subpoena to NV Energy)

06/29/2023 Notice of Entry of Order
Filed By: Counter Defendant Birge, Nicole Cherie
[64] Notice of Entry of Order

07/14/2023 Substitution of Attorney
Filed By: Counter Defendant Birge, Nicole Cherie
[65] Substitution of Attorney

07/24/2023 Notice of Rescheduling of Hearing
[66] NOTICE OF RESCHEDULING OF HEARING

07/26/2023 Report and Recommendations
Filed by: Attorney Friedman, Kenneth S.
[67]

07/31/2023 Notice of Deposition
Filed by: Counter Defendant Birge, Nicole Cherie
[68] Re-Notice of Deposition - Joe Birge

08/21/2023

Discovery Commissioners Report and Recommendations
Filed By: Counter Claimant Birge, Joe Larry
[69] Discovery Commissioners Report and Recommendations

09/06/2023 Order
[70] Order on Discovery Commissioner's Report and Recommendations

10/06/2023 Motion to Compel
Filed by: Counter Defendant Birge, Nicole Cherie
[71] Plaintiff's Motion to Compel Discovery Responses; For Discovery Sanctions Pursuant to NRCP 37(b)(2); and for Attorney Fees and Costs

10/06/2023 Exhibits
Filed By: Counter Defendant Birge, Nicole Cherie
[72] Schedule of Exhibits to Plaintiff's Motion to Compel

10/09/2023 Clerk's Notice of Hearing
[73] Notice of Hearing

10/12/2023 Ex Parte Application
Filed by: Counter Defendant Birge, Nicole Cherie
[74] Ex Parte Application for Order Shortening Time

10/16/2023 Order Shortening Time
Filed By: Counter Defendant Birge, Nicole Cherie
[75] Order Shortening Time - Discovery

11/01/2023 Pre-trial Memorandum
Filed By: Counter Claimant Birge, Joe Larry
[76] Defendant's Pre-Trial Memorandum

11/01/2023 Pre-trial Memorandum
Filed By: Counter Defendant Birge, Nicole Cherie
[77] Plaintiff's Pre-Trial Memorandum

11/02/2023 Financial Disclosure Form
Filed by: Counter Claimant Birge, Joe Larry
[78] Revised General Financial Disclosure Form

11/16/2023 Financial Disclosure Form
Filed by: Counter Defendant Birge, Nicole Cherie
[79] General Financial Disclosure Form

11/27/2023 Discovery Commissioners Report and Recommendations
Filed By: Counter Claimant Birge, Joe Larry
[80] Discovery Commissioners Report and Recommedations

12/13/2023 Order
[81] Order on Discovery Commissioner's Report and Recommendations

01/19/2024 Notice of Hearing
[82] Notice of Hearing - Order to Show Cause

01/30/2024 Receipt of Copy
Filed By: Counter Claimant Birge, Joe Larry
[83] Receipt of Copy for Cashier's Check and Quit Claim Deed

04/04/2024 Findings of Fact, Conclusions of Law and Judgment
[84] Findings of Fact, Conclusions of Law and Decree of Divorce

04/04/2024 Notice of Entry of Decree
[85] Notice of Entry of Findings of Fact, Conclusions of Law and Decree of Divorce

04/25/2024 Substitution of Attorney

Filed By: Counter Defendant Birge, Nicole Cherie
[86] Substitution of Attorney

05/03/2024 Notice of Appeal
Filed By: Counter Defendant Birge, Nicole Cherie
[87] Notice of Appeal

05/07/2024 Case Appeal Statement
Case Appeal Statement

HEARINGS

01/10/2023 **Case Management Conference** (11:00 AM) (Judicial Officer: Mastin, Amy M.)
01/10/2023, 01/26/2023
01/24/2023 Reset by Court to 01/10/2023
Matter Continued; Please See All Pending Journal Entry
Matter Heard;
Journal Entry Details:
CASE MANAGEMENT CONFERENCE Court called the case and noted that all parties appeared via the blue jeans app for today's hearing. Court noted the Case Management Conference was continued from 1-10-23. Court and counsel discussed Plaintiff/Mom's request to relocate to Washington, each party's understanding regarding Plaintiff's amended complaint and motion, and the party's living arrangements. Attorney Friedman stated Defendant/Dad was able to secure a loan from his family to buy Plaintiff out of the marital home. Further discussion was held regarding each party's income and the check rendered to Attorney Friedman from Defendant/Dad. COURT ORDERED, The Court shall set a Pre Trial Conference for April 27, 2023, at 11:30 AM. Counsel shall file an amended complaint and an amended answer to the complaint with the Court. The Court shall adopt the Court's parenting plan as the Court's permanent order. Counsel shall discuss the home's equity and potential buyout. Attorney Friedman shall render $5015 to Attorney Raye within 72 hours, and he shall keep the remaining $1000 for Attorney Fees and Costs. Discovery shall be OPEN for 120 days; the department shall issue a case management order to all parties.;
Matter Continued; Please See All Pending Journal Entry
Matter Heard;
Matter Continued

01/10/2023 **Return Hearing** (11:00 AM) (Judicial Officer: Mastin, Amy M.)
FMC
01/24/2023 Reset by Court to 01/10/2023
Not Settled; Please See All Pending Journal Entry
Not Settled

01/10/2023 **Motion** (11:00 AM) (Judicial Officer: Mastin, Amy M.)
Plaintiff's Motion for Temporary Custody Orders, Child Support, Temporary Maintenance, Sale of Marital Residence, Preliminary Attorney Fees and Costs and Related Relief
01/17/2023 Reset by Court to 01/10/2023
Deferred Ruling; Please See All Pending Journal Entry
Deferred Ruling

01/10/2023 **Opposition & Countermotion** (11:00 AM) (Judicial Officer: Mastin, Amy M.)
Defendants Opposition To Plaintiffs Motion For Temporary Custody Orders, Child Support, Temporary Maintenance, Sale Of Martial Resienced, Preliminary Attorney Fes And Costs, And Related Relief And Countermotion For Child Interview
Deferred Ruling; Please See All Pending Journal Entry
Deferred Ruling

01/10/2023 **All Pending Motions** (11:00 AM) (Judicial Officer: Mastin, Amy M.)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY ORDERS, CHILD SUPPORT, TEMPORARY MAINTENANCE, SALE OF MARITAL RESIDENCE, PRELIMINARY ATTORNEY FEES AND COSTS AND RELATED RELIEF CASE MANAGEMENT CONFERENCE RETURN HEARING (FMC) DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR TEMPORARY CUSTODY ORDERS, CHILD SUPPORT, TEMPORARY MAINTENANCE, SALE OF MARTIAL RESIDENCE, PRELIMINARY ATTORNEY FES AND COSTS, AND RELATED RELIEF AND COUNTERMOTION FOR CHILD INTERVIEW. Court called the case and noted that all parties appeared via the blue jeans app for today's hearing. Court reviewed the pleadings before the Court and advised all parties that the Court did not receive a report from FMC; therefore, the Court was unaware of what occurred during mediation. Upon the Court's inquiry, Attorney Raye stated the parties

could not reach an agreement through FMC. Court and counsel discussed the party's custody stipulation regarding their two youngest children, Mr. Birge's request for primary custody of the eldest child, Ms. Birge's request to amend her complaint, each party's income, Mr. Birge's bonus, and the maintenance of the community. Discussion. Court noted the parties reside in the same home. Court advised all parties that the Court was only inclined to make orders addressing Mr. Birge's bonus. COURT ORDERED, The Court shall continue the hearing to January 26, 2023, at 11:30 AM. Attorney Raye shall file an amended complaint and update the motion on or before January 20, 2023. Attorney Friedman shall have until January 25, 2023, by the close of business to file a response. The Court shall deny all requests to list the marital home for sale until the case has concluded or a stipulation of the parties. Mr. Birge shall continue to maintain the community by placing the $3000 into the joint account from every paycheck, with Mrs. Birge's keeping her check/income to herself. Each party shall file an updated FDF with the Court and serve a copy upon the opposing party. No monies shall be distributed or spent from Mr. Birge's bonus check of $20,000 until further order by the Court or stipulation of the parties.;
Matter Heard

05/18/2023 **Status Check** (11:00 AM) (Judicial Officer: McConnell, Regina M.)

Status Check re: Discovery to close 120 days and/or setting the matter for Trial.

04/27/2023 Reset by Court to 04/27/2023
04/27/2023 Reset by Court to 05/18/2023

Non Jury Trial;
Journal Entry Details:
STATUS CHECK: RE: DISCOVERY TO CLOSE 120 DAYS AND/OR SETTING THE MATTER FOR TRIAL All parties appeared via VIDEO CONFERENCE through the BlueJeans application. Upon Court's inquiry, Attorney Friedman stated the matter needs to be set for trial. Attorney Friedman further stated if Plaintiff is not willing to stipulate for the oldest child to remain in Las Vegas then a child interview should be ordered so it can be used at the time of trial or Defendant may have her testify at trial. Attorney Raye stated the oldest child has made it clear that she wishes to remain in Las Vegas however if it is the Court's wish to keep the children together they will not stipulate to have the oldest child remain in Las Vegas. Attorney Raye further stated there was a motion filed asking for temporary alimony, child support, and Sargent fees by Plaintiff in January of this year however Judge Mastin held off on making temporary orders because the parties were living together. Attorney Raye stated she filed an Ex-Parte Motion informing the Court of the current toxic living situation and the need for temporary orders as to child support, spousal support, and attorney fees. Attorney Raye agrees that an Evidentiary Hearing needs to be set preferably before the start of the next school year as Plaintiff has secured a job in Washington. Attorney Friedman addressed Attorney Raye's arguments and stated if Plaintiff wants temporary child support, spousal support and attorney's fees she needs to file a new motion so he can file an opposition and have it be heard on the merits. Attorney Friedman further stated there is no reason why Plaintiff needs to move out of the house as there is no domestic violence. Further arguments by counsels. Attorney Raye requested a status check within 7-10 days to have the Court make temporary rulings after reviewing the motion from January and opposition from March along with the updated Financial Disclosure Forms. COURT ORDERED the following: 1. Defendant shall file an OPPOSITION to Plaintiff's Ex Parte Application by 05/30; 2. A STATUS CHECK Re: Plaintiff's Amended Motion filed in January, Ex Parte Application and Defendant's Opposition is SET for 06/15/2023 at 10:00 a.m.; 3. Parties shall be REFERRED to Family Mediation Center (FMC) for Mediation for a CHILD INTERVIEW for the oldest child. The Order for the Family Mediation Center Services was EXECUTED and FILED IN OPEN COURT. Copies shall be provided to Counsel; 4. The CHILD INTERVIEW shall be allowed to come in at trial; 5. A NON-JURY TRIAL Re: Divorce and All Related Matters is SET for 11/03/2023 at 9:00 a.m. (Full Day) (Day #1) and 11/17/2023 at 9:00 a.m. (Full Day) (Day #2); 6. CALENDAR CALL is SET for 10/24/2023 at 11:00 a.m. Court shall prepare the Non-Jury Trial Management Order. CLERK'S NOTE: A copy of the FMC Child Interview was provided to counsel via e-mail. (05/18/2023 - lls);
Non Jury Trial

06/15/2023 **Status Check** (10:00 AM) (Judicial Officer: McConnell, Regina M.)

Plaintiff's Amended Motion filed in January, Ex Parte Application and Opposition
Matter Heard;
Journal Entry Details:
STATUS CHECK Court noted its confusion regarding Defendant's financial disclosure form. Mr. Friedman stated that Defendant's gross monthly income is $19,306.46. Arguments were made regarding bonuses he receives. Further arguments were made. COURT ORDERED: 1. The POOL LOAN shall be paid off if the house is sold. 2. Defendant shall pay Plaintiff CHILD SUPPORT in the amount of $1,220.00 per month effective June 2023, based on Defendant's gross monthly income of $19,306.00 and Plaintiff's gross monthly income of $5,456.00. 3. Parties shall follow a week-on/week-off CUSTODY SCHEDULE with EXCHANGES occurring each Sunday at 4:00 p.m. The FATHER'S DAY exchange on 6/18/23 shall occur at 10:00 a.m. RECEIVING PARTY shall transport the children, employing the honk-and-seatbelt rule. 4. Defendant shall maintain EXCLUSIVE POSSESSION of the marital residence. Plaintiff shall be allowed access to the amenities, but not to the house. 5. Defendant shall temporarily continue to pay for the children's PRIVATE SCHOOL. 6. Plaintiff shall be awarded temporary SPOUSAL SUPPORT in the amount of $1,000.00 per month. The first payment shall be due 7/1/23 and paid by no later than 7/15/23. 7. Parties shall bear their own ATTORNEY'S FEES. Mr. Friedman shall prepare the order and submit to Ms. Raye for review.;

Matter Heard

07/26/2023 **Motion** (1:00 PM) (Judicial Officer: Ganz, Adam)
Defendant's Motion for a Protective Order Pursuant to NRCP 45(a)(b)
07/26/2023 Reset by Court to 07/26/2023
Denied;
Denied

07/26/2023 **Opposition & Countermotion** (1:00 PM) (Judicial Officer: Ganz, Adam)
Plaintiff's Opposition to Motion for Protective Order Pursuant to NRCP 45(a)(b) and Countermotion for Attorney's Fees
08/02/2023 Reset by Court to 07/26/2023
Granted;
Granted

07/26/2023 **All Pending Motions** (1:00 PM) (Judicial Officer: Ganz, Adam)
Motion: Defendant's Motion for a Protective Order Pursuant to NRCP 45(a)(b) Opposition & Countermotion: Plaintiff's Opposition to Motion for Protective Order Pursuant to NRCP 45(a)(b) and Countermotion for Attorney's Fees

MINUTES
Report and Recommendations
Filed by: Attorney Friedman, Kenneth S.
[67]
Matter Heard;
Journal Entry Details:
MOTION: DEFENDANT'S MOTION FOR A PROTECTIVE ORDER PURSUANT TO NRCP 45(A)(B) OPPOSITION & COUNTERMOTION: PLAINTIFF'S OPPOSITION TO MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 45(A)(B) AND COUNTERMOTION FOR ATTORNEY'S FEES Attorney Lisa Szyc, Bar # 11726 substituting on behalf of Attorney Ghibaudo. In the interest of public safety and for Judicial economy, all Parties were present via VIDEO CONFERENCE through the BlueJeans application. Argument presented in regards the Motion for a Protective Order and the basis as to the necessity of the Defendant's request. COMMISSIONER GANZ stated his FINDINGS and RECOMMENDED the following: 1. Pursuant to NRCP 26 (b)(1), THIS COURT must determine if the discovery sought is RELEVANT to any Party s claims or defenses AND whether it is proportional to the needs of the case a. Here, because Nevada is a no-fault divorce state, infidelity is irrelevant to any claims or defenses, also, 2. With regards to Proportionality, THIS COURT considered the factors in NRCP 26(b)(1) and determined that the discovery sought is not proportional to the case specifically, a. The importance of the issues at stake in the action; i. Here this is a divorce and very important to the Parties b. The amount in controversy; i. Here significant c. The Parties' relative access to relevant information; i. Here this factor weighs in favor allowing the discovery d. The Parties' resources; a. Here a neutral or not applicable factor here as to this specific issue e. The importance of the discovery in resolving the issues; i. Here this is the most significant factor in my opinion; the is zero importance to the discovery sought as it is not relevant to any claim or defense in the case and will not shed any light on the issues before the district court in this matter f. And whether the burden or expense of the proposed discovery outweighs its likely benefit. i. Here a neutral or not applicable factor here as to this specific issue 3. VENETIAN - So the remaining analysis is to determine if there is good cause to protect the information sought under the test outlined in NRCP 26(c)(1) and the Venetian v. EJDC case adopting the Glenmede factor "[I] may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense , specifically, I considered: 2. If particularized harm would occur due to public disclosure of the information; A. Here - probably a neutral or not applicable factor here 3. Balance the public and private interests to decide whether a protective order is necessary A. Whether disclosure will violate any privacy interests I. Here this is very private information and certainly weighed with the fact it is not relevant and not proportional, this factor weighs heavily in favor or protecting B. Whether the information is being sought for a legitimate purpose or for an improper purpose; I. Here again, because it is not relevant and not proportional, this factor weighs heavily in favor or protecting as the only reason can be for an improper purpose C. Whether disclosure of the information will cause a Party embarrassment; I. Here again, this is very private information and, this factor weighs heavily in favor or protecting D. Whether confidentiality is being sought over information important to public health and safety; I. Here a neutral or not applicable factor here as to this specific issue E. Whether the sharing of information among litigants will promote fairness and efficiency; I. Here a neutral or not applicable factor here as to this specific issue F. Whether a Party benefiting from the order of confidentiality is a public entity or official I. Here a neutral or not applicable factor here as to this specific issue G. Whether the case involves issues important to the public. I. Here a neutral or not applicable factor here as to this specific issue 4. Even if the factors balance in favor of protecting the discovery material, "a court must still consider whether redacting portions of the discovery material will nevertheless allow disclosure. MOTION FOR FEES DENIED; I feel there were legitimate issues of contention and therefore opposed in good faith. COMMISSIONER GANZ NOTED: The Court has broad discretion to decide when a protective order is appropriate and to what degree of protection is required and I find that there is good cause to grant the motion for protective order in its entirety ;

Matter Heard

08/22/2023 *CANCELED* **Status Check** (2:00 PM) (Judicial Officer: Ganz, Adam)
Vacated

09/15/2023 *CANCELED* **Settlement Conference** (1:30 PM) (Judicial Officer: Vega, Valorie J.)
Vacated - per Clerk

10/24/2023 **Calendar Call** (11:00 AM) (Judicial Officer: McConnell, Regina M.)
Matter Heard;
Journal Entry Details:
CALENDAR CALL This matter, having come before the Court for Calendar call, was heard via BLUEJEANS VIDEO CONFERENCE and JAVS RECORDING. Plaintiff/ Mother and attorney Alex Ghibaudo present via BLUEJEANS VIDEO CONFERENCE. Defendant/ Father and attorney Friedman present in the courtroom. The Court present in person. Attorney Ghibaudo confirmed that they are not ready to take matter to trial. Mr. Ghibaudo stated that he has been haggling Mr. Friedman office to obtain response to the discovery and have been going back and forth for a deposition date, it has been a nightmare to get disclosures and discovery. Mr. Ghibaudo explained the obstacles he has been encountering trying to obtain information. Mr. Ghibaudo addressed custody, noting that father agreed to joint custody, then changed to primary physical custody. Attorney Friedman responded to statements by Mr. Ghibaudo and responded to the obstacles that were encountered. Attorney advised mother is intentionally expanding the cost of litigation. He also stated that opposing attorney was aware of the primary custody. Mr. Friedman addressed the issues of the home and appraisal, upon the objection of Mr. Ghibaudo. Noted that mother does not want to give the house to father and advised that there is no reason why matter should not move forward. Attorney Ghibaudo responded to statements noting that documents that are needed are important in order to move forward. Court noted will need to set trial. Counsel continued to address alimony issues AND DISCLOSURES. Following statements, the COURT ORDERED the following: 1. Trial date STANDS ON 11/3. CLERK'S NOTE: Minutes completed via JAVS by courtroom clerk Wendy Swinton on 10/28. ;
Matter Heard

10/24/2023 **Motion** (1:30 PM) (Judicial Officer: Ganz, Adam)
Plaintiff's Motion to Compel Discovery Responses; For Discovery Sanctions Pursuant to NRCP 37(b)(2); and for Attorney Fees and Costs
11/14/2023 Reset by Court to 10/24/2023
Per OST Efiled 10-16-23
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES; FOR DISCOVERY SANCTIONS PURSUANT TO NRCP 37(B)(2); AND FOR ATTORNEY FEES AND COSTS. Attorney Ghibaudo #10592 was present on behalf of Plaintiff/Ms. Birge via VIDEO CONFERENCE by BLUEJEANS. Defendant/Mr. Birge was present with Attorney Friedman #5311 IN PERSON. ADR/COMMISSIONER Ganz was present IN PERSON. Upon the matter being placed on the record, ATTORNEY GHIBAUDO represented Motion to compel is on the written discovery and disclosures. Attorney Ghibaudo recently received some disclosures on a USB that is password protected. Attorney Ghibaudo requested the disclosures in addition to a request for production be produced by Friday, October 27, 2023. Commissioner Ganz NOTED there was no opposition to the Motion to Compel. Commissioner Ganz inquired to Attorney Friedman was there any discussion regarding resolutions. ATTORNEY FRIEDMAN stated he and Attorney Ghibaudo discussed Attorney Friedman would orally oppose the motion. Attorney Friedman FURTHER reviewed the Defendant's bank statements and credit card statements that were electronically served to Attorney Ghibaudo's office today 10.24.2023. Commissioner Ganz stated there were no proper 5.402 Meet and Confer regarding INTERROGATORIES. Commissioner Ganz ORDERED the following: 1. Plaintiff/Ms. Birge motions are DENIED pursuant to EDCR 2.40. In addition, there wasn't a proper MEET and CONFER 5.402.). In all future motions, whether counsel demonstrate attempts to engage in a meaningful meet and confer is the first thing Discovery staff will review when the department receives a motion. If moving counsel fails to demonstrate the meet and confer was not conducted according to the standard required by EDCR 5.402, staff will either reject the motion and/or take it off calendar until the movant demonstrates counsel engaged in a proper meet and confer. 2. STATUS CHECK scheduled for November 21, 2023, at 1:15 PM for submission of Report and Recommendation by Attorney Friedman. 3. Attorney Friedman shall prepare the Report and Recommendation from today's hearing. CLERK'S NOTE: The above minutes were prepared by Jazmyne R/JR on 11.04.2023. ;
Matter Heard

11/03/2023 **Non-Jury Trial** (9:00 AM) (Judicial Officer: McConnell, Regina M.)
Re: Divorce and All Related Matters (Day #1 - Full Day)
Matter Heard;
Journal Entry Details:
NON-JURY TRIAL RE: DIVORCE AND ALL RELATED MATTERS (DAY #1 - FULL DAY) All parties were present IN PERSON. HOUSEKEEPING. OPENING STATEMENT waived by Attorney Ghibaudo. OPENING

STATEMENT by Attorney Friedman. Plaintiff SWORN and TESTIFIED. Exhibits OFFERED and ADMITTED. (See worksheets.) MATTER TRAILED. MATTER RECALLED. Plaintiff further TESTIFIED. COURT TRAILED the matter to review the JAVS recording and Minutes from the May 18, 2023 hearing. MATTER RECALLED. FURTHER HOUSEKEEPING. Plaintiff further TESTIFIED. MATTER TRAILED. MATTER RECALLED. Plaintiff further TESTIFIED. FURTHER HOUSEKEEPING. MATTER TRAILED. MATTER RECALLED. Defendant SWORN and TESTIFIED. FURTHER HOUSEKEEPING. COURT ORDERED, the NON-JURY TRIAL currently SET on November 17, 2023 at 9:00 AM shall STAND.;
Matter Heard

11/17/2023 **Non-Jury Trial** (9:00 AM) (Judicial Officer: McConnell, Regina M.)
11/17/2023, 12/01/2023
Re: Divorce and All Related Matters (Day #3 - Half Day)
Matter Continued;
Reserve Ruling;
Journal Entry Details:
NON-JURY TRIAL RE: DIVORCE AND ALL RELATED MATTERS (DAY #3 - HALF DAY) COURTROOM CLERK: Teresa Romero (tr) All parties were present IN PERSON. Attorney Alex Ghibaudo was present IN PERSON on behalf of the Plaintiff. Attorney Kenneth S. Friedman was present IN PERSON on behalf of the Defendant. Court called the case and stated the hearing proceedings. HOUSEKEEPING in regards to the attorney's behavior during the trial, the counsel doing closing briefs or oral closing arguments and the parties holiday schedule for the Christmas break. Parties SWORN and TESTIFIED. MATTER TRAILED for a lunch break. MATTER RECALLED. CLOSING ARGUMENTS made by counsel. COURT ORDERED the following: 1. A Decision Hearing Re: Non- Jury Trial Decision shall be set for 12/20/2023 at 10:30 AM. CLERKS NOTE: Off the record discussion with the counsels in regards to their behavior during the trial and staying on track with the trial. (tr) CLERKS NOTE: Off the record clarification of the exhibits that were stipulated and admitted. (tr);
Matter Continued;
Reserve Ruling;
Journal Entry Details:
NON-JURY TRIAL: DIVORCE AND ALL RELATED MATTERS (DAY #2 - HALF DAY) COURTROOM CLERK: Teresa Romero All parties were present IN PERSON. Attorney Alex Ghibaudo was present IN PERSON on behalf of the Plaintiff. Attorney Kenneth Friedman was present IN PERSON on behalf of the Defendant. Court called the case and stated the hearing's proceedings. Court stated the parties would not be able to go too far into the after noon so the Court may have to continue the trial for another date if the parties are not able to finish. Parties SWORN. CONTINUED TESTIMONY and EXHIBITS presented. (See Worksheet) Discussion from the Court and counsel in regards to continuing the hearing and in regards to Plaintiff's exhibits. COURT ORDERED the following: 1. The Non- Jury Trial Re; Divorce and All Related Issues shall be CONTINUED to December 1, 2023 at 9:00 AM. (Half Day);
Matter Continued

11/21/2023 *CANCELED* **Status Check** (1:15 PM) (Judicial Officer: Ganz, Adam)
Vacated
RE: 10.24.23 R&R submission from Attorney Friedman.

12/20/2023 **Decision** (10:30 AM) (Judicial Officer: McConnell, Regina M.)

MINUTES
Divorce Granted;
Journal Entry Details:

DECISION Plaintiff, Defendant, and Attorney Friedman were present IN PERSON. Attorney Ghibaudo was present via VIDEO CONFERENCE through the BLUEJEANS application. Court summarized today's proceedings. Court recapped the outstanding issues to be adjudicated. RESIDENT WITNESS SWORN, TESTIFIED, and CANVASSED. Based upon the testimony and evidence presented during the NON-JURY TRIAL, COURT STATED its FINDINGS and ORDERED, as follows: ABSOLUTE DECREE OF DIVORCE shall be GRANTED; Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of their children; The WEEK ON/WEEK OFF CUSTODIAL SCHEDULE shall remain STATUS QUO; The eldest child/daughter is afforded with TEENAGE DISCRETION however the eldest child/daughter is required to spend three (3) days a week with Plaintiff at a minimum from Sundays through Wednesdays; Plaintiff shall work on repairing her RELATIONSHIP with the eldest child/daughter. Parties shall encourage the RELATIONSHIP between Plaintiff and their eldest child/daughter; Parties shall NOT play any games using their children; Parties shall NOT leave the children at their school(s) without a plan to PICK UP all three (3) of the children at the necessary time; Defendant shall continue to maintain the HEALTH INSURANCE for the children; Parties shall equally divide any UNREIMBURSED MEDICAL EXPENSES for the children pursuant to the 30/30 RULE; Parties shall abide by their PARENTING AGREEMENT that addresses HOLIDAYS, which shall be incorporated into the DECREE OF DIVORCE as an EXHIBIT; Defendant's CHILD SUPPORT OBLIGATION is SET at $1,125.00 per month, EFFECTIVE January 1, 2024, which shall be DUE by the last day of each month; Defendant shall continue to pay for BISHOP GORMAN and BISHOP GORMAN CHEER. Parties shall equally divide all other

EXTRACURRICULAR ACTIVITIES for the children. The children's historical EXTRACURRICULAR ACTIVITIES shall remain STATUS QUO; There is a total sum of $99,522.86 in CREDIT CARD DEBT, making each party responsible for $49,761.43. Plaintiff shall be solely responsible for her CREDIT CARDS listed in her EXHIBITS 25 through 36, which have a total sum of $25,724.88. Defendant shall be solely responsible for his CREDIT CARDS listed in his EXHIBITS D through H, which have a total sum of $73,797.98, however Defendant shall receive $24,036.55 of Plaintiff's COMMUNITY PROPERTY portion of the MARITAL RESIDENCE, which he shall pay ALL towards his CREDIT CARDS, so that each party has an approximate total of $25,724.88 in CREDIT CARD DEBT remaining to pay on his or her own; Parties may amend their 2022 TAX RETURN to file jointly to see how they can reduce their IRS DEBT that is currently $59,701.00. If they choose to amend it, then they shall equally divide any remaining liabilities, with Plaintiff's owed balance coming from her COMMUNITY PROPERTY portion of the MARITAL RESIDENCE. If they choose NOT to amend it, then they shall equally divide the current IRS DEBT of $59,701.00; Defendant shall have thirty (30) days to REFINANCE the MARITAL RESIDENCE and BUYOUT Plaintiff for a total amount of $61,112.95 by January 31, 2024 via CASHIER'S CHECK. Defendant shall also set aside funds for the IRS DEBT. Attorney Friedman shall have Defendant's CASHIER'S CHECK delivered to Attorney Ghibaudo for Plaintiff to retrieve the $61,112.95 and Plaintiff shall sign a RECEIPT. Parties shall also execute a QUITCLAIM DEED, which shall be arranged by counsel in advance; If Defendant does NOT pay Plaintiff by January 31, 2024, then the MARITAL RESIDENCE shall be LISTED for SALE. The CREDIT CARD and IRS DEBT shall be initially PAID from the SALE PROCEEDS and then the $61,112.95 shall be PAID to Plaintiff; Pursuant to STIPULATION, Defendant shall be awarded the TIMESHARE and any associated debt as his sole and separate property and/or debt; Each party shall keep his or her own VEHICLE(S) and any associated debt as his or her sole and separate property and/or debt; Each party shall keep his or her own BANK ACCOUNTS as his or her sole and separate property; Parties shall equally divide their RETIREMENT ACCOUNTS; Plaintiff shall keep the FAMILY LOAN(S) she obtained as her sole and separate debt; Defendant shall pay ALIMONY to Plaintiff for SEVEN (7) YEARS in the amount of $1,000.00 per month, EFFECTIVE January 1, 2024, which shall be DUE by the last day of each month and may be MODIFIABLE upon a change in circumstance(s); Defendant's BONUS shall be placed in Attorney Friedman's TRUST ACCOUNT, which shall be held until mutually divided and/or distributed. Defendant/Attorney Friedman shall provide PROOF of the net amount of the BONUS to Plaintiff/Attorney Ghibaudo; Attorney Friedman shall prepare and submit the DECREE OF DIVORCE to Department O. Attorney Ghibaudo shall review and countersign; and CASE CLOSED upon entry of the DECREE OF DIVORCE.; Divorce Granted

01/31/2024 **Order to Show Cause** (9:00 AM) (Judicial Officer: McConnell, Regina M.)

Re: Non Submission of Decree of Divorce
Matter Heard;
Journal Entry Details:
ORDER TO SHOW CAUSE: RE: NON SUBMISSION OF DECREE OF DIVORCE COURT CLERKS: Cindy Sandoval (CS) Attorney Ghibaudo was present IN PERSON. Representative, Jessica Friedman, was present via VIDEO CONFERENCE through the ZOOM application on behalf of Attorney Kenneth Friedman. The Court reviewed the case and Noted based upon Attorney Ghibaudo's statements, he has requested for two (2) weeks extension. Representative Friedman accede to expect Due Date February 13, 2024. Representative on behalf of Attorney Friedman inquired on the status of the Quick Claim. COURT ORDERED the following: 1) DIVORCE DECREE or COMPETING ORDER shall be due by February 13, 2024 Pursuant to EDCR 5.601, the Minutes Order shall suffice, and a written Order is not required. Minutes prepared by Courtroom Clerk I Cindy Sandoval-Aleman (CS) ;
Matter Heard

SERVICE

10/12/2022 **Summons**
Birge, Joe Larry
Served: 11/09/2022

Electronically Filed
04/04/2024 1:34 PM
CLERK OF THE COURT

FFCL

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

NICOLE BIRGE, Plaintiff vs. JOE BIRGE, Defendant.	Case No.: D-22-656501-D Dept. No.: O Date of Hearing: December 20, 2023 Time of Hearing: 10:30 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

This matter came on for a Non-Jury Trial before the above-entitled court on November 3, November 17 and December 1, 2023 with a Decision Hearing held on December 20, 2023. Plaintiff, NICOLE BIRGE, appeared in person and represented by her attorney, Alex B. Ghibaudo, Esq., and Defendant, JOE BIRGE, appeared in person and represented by his attorney, Kenneth S. Friedman, Esq., of Walsh & Friedman, Ltd. The Court having heard the testimony of both parties, having weighed the credibility thereof, having reviewed any exhibits that were admitted in to evidence, if any, and the pleading and papers on file herein, the Court hereby issues the following Findings of Fact, Conclusions of Law and Orders:

FINDINGS OF FACT & CONCLUSIONS OF LAW

THE COURT HEREBY FINDS that the Plaintiff is now and has been an actual bona fide resident of the State of Nevada and has been actually domiciled in the State of Nevada for more than six weeks immediately prior to the commencement of this action, based upon the testimony of Plaintiff's friend.

/ / /

REGINA M. MCCONNELL
DISTRICT JUDGE
FAMILY DIVISION, DEPT. O
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Statistically closed: USJR-FAM-Set/Withdrawn with Judicial Conf/Hearing Close Case (UWJC)

THE COURT FURTHER FINDS that this Court has complete jurisdiction to enter this Decree and the orders regarding the distribution of assets and debts.

THE COURT FURTHER FINDS that Plaintiff (hereinafter "Mom') and Defendant (hereinafter "Dad') were married on or about July 26, 2003 in Black Diamond, Washington and have remained married. The parties have become, and continue to be, incompatible in marriage, and no reconciliation is possible.

THE COURT FURTHER FINDS that the Plaintiff and Defendant have three (3) minor children born the issue of their marriage, to wit: JAYLA RENEE BIRGE born May 17, 2007; JRUE RION BIRGE, born February 3, 2012; and JONATHAN RHYS BIRGE, born January 2, 2014. There were no children born prior to the marriage, no children adopted during the marriage and the Plaintiff is not pregnant.

THE COURT FURTHER FINDS that the children are residents of Nevada and have lived here for at least 6 months prior to the commencement of this action. Nevada is the habitual residence of the children, and this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

THE COURT FURTHER FINDS that any custody and visitation orders made herein are in the best interest of the children.

THE COURT FURTHER FINDS that the amount of child support ordered herein is in compliance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services or has been stipulated to by the parties as being in the best interest of the children.

THE COURT FURTHER FINDS that the Plaintiff and the Defendant should be granted an absolute Decree of Divorce for the reasons set forth in the Complaint and Counterclaim.

/ / /

REGINA M. MCCONNELL
DISTRICT JUDGE
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THE COURT FURTHER FINDS that as to joint legal custody, the Court must consider NRS 125C.002, which states in pertinent part:

> 1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:
>
> (a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal 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.

THE COURT FURTHER FINDS AND CONCLUDES that the record supports an award of joint legal custody is in the best interest of the minor children. Furthermore, the parties agreed to joint legal custody in the Partial Parenting Agreement, which was filed and made an Order of the Court on January 31, 2023.

THE COURT FURTHER FINDS that with respect to physical custody, NRS 125C.0025 states in pertinent part that:

> 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.

THE COURT FURTHER FINDS that NRS 125C.003(1)(a) states in pertinent part that:

> [a]n award of joint physical custody is presumed not to be in the best interest of the child if: (a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year.

THE COURT FURTHER FINDS that with respect to physical custody, NRS 125C.0035 states in pertinent part:

/ / /

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

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

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

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

THE COURT FURTHER FINDS AND CONCLUDES that based upon the statutory presumption, joint physical custody is in the best interests of the minor children.

THE COURT FURTHER FINDS that even though joint physical custody is awarded, this Court will address the best interests of the parties' children by considering the factors established under NRS 125C.0035(4), as follows:

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

Jayla is 16 years old and was interviewed by Family Mediation Center and the report was entered into evidence pursuant to the parties' previous stipulation with Moms' prior counsel; however, Mr. Ghibaudo, who came on as Mom's counsel after the stipulation, objected to the admission and the objection was overruled. According to the report, Jayla aligned more with the father and there appears to be some issues in their relationship, which based upon the evidence, could be a result of the ongoing litigation. The Court finds that Jayla is of sufficient age to state an opinion and this factor favors Dad.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

There was no substantial evidence that one parent denied the other parent any time with the minor children. Therefore, this Court finds this factor is neutral.

(d) The level of conflict between the parents.

The evidence provided did indicate there is higher conflict between the parents but that is mainly is a result of the ongoing litigation. The Court finds this factor is neutral as there was no evidence that one parent caused the conflict over the other parent.

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

There was testimony by both parties as to the cooperation between the parents. There was an issue that arose during the trial wherein it was Mom's scheduled custodial time and she neglected to schedule someone to pick Jayla up from school. There was also testimony that Dad did not provide Mom with all of the information regarding the Jrue's basketball activities. The Court finds that this factor is neutral, as both parents are not cooperating; however, it is mostly likely a result of the ongoing litigation.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

The Court finds that this factor is neutral, as the evidence provided that both parents are able to meet the physical, developmental and emotional needs of the children.

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

There was evidence based upon Jayla's interview that her relationship with her Mom is strained and she has a good relationship with her father. Additional evidence provided that

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Jrue and Jonathan have good relationships with both parents. This factor is neutral for the most part except for the strain between Mom and Jayla, which could be due to the ongoing litigation.

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

This factor is not applicable.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

(l) Whether either parent has committed an act of abduction against the child or any other child.

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

THE COURT FURTHER FINDS AND CONCLUDES that that the record supports an award of joint physical custody as it is in the best interest of the children pursuant to the factors stated above; however, Mom needs to work on repairing her relationship with Jayla.

THE COURT FURTHER FINDS that the record supports a finding that based upon the interview of Jayla, Mom needs to work on repairing her relationship with her daughter.

THE COURT FURTHER FINDS that Plaintiff's gross monthly income is Five Thousand Six Hundred Twenty Two and Dollars and Twenty Two Cents ($5620.22), and Defendant's gross monthly income is Eighteen Thousand Four Hundred Thirty Six Dollars and Forty Nine Cents ($18,436.49).

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THE COURT FURTHER FINDS that there was no dispute as to the appraised Fair Market Value of the Marital Residence of Seven Hundred Ninety Thousand Dollar ($790,000.00).

THE COURT FURTHER FINDS that the outstanding mortgage, as supported by the evidence, is Four Hundred Sixty Five Thousand Dollars ($465,000.00) and the outstanding Pool Loan, as supported by the evidence, is Ninety Five Thousand Dollars ($95,000.00).

THE COURT FURTHER FINDS that the net equity of the marital residence is Two Hundred Thirty Thousand Dollars ($230,000.00).

ORDER

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the parties shall have Joint Legal Custody of the minor children concerning decisions involving the children's health, education, religion, and welfare. See Joint Legal Custody Standards, attached hereto as Exhibit 1 and incorporated herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that that the parties shall share Joint Physical Custody of the subject minor children to wit: Jayla Birge, born, May 17, 2007, Jrue Birge, born February 3, 2012, and Jonathan Birge, born, January 2, 2014. The parties shall continue to exercise a week on / week off custodial visitation with the minor children with exchanges occurring on Sundays at 4:00 p.m. Based upon Jayla's age and taking into account her wishes, Jayla is granted limited teenage discretion but shall spend at least three (3) days per week with Mom, consisting of Sunday at 4:00 p.m. to Wednesday at 4:00

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p.m., at a minimum, if not the whole week. (See Decision Video Transcript @ 10:50:45 – 10:51:00).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mom shall work on repairing her relationship with Jayla. Dad shall encourage the relationship between Mom and Jayla.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall not play any games using their children.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall not leave the children at their school(s) without a plan to pick up all three (3) of the children at the necessary times. (See Decision Video Transcript @ 10:52:07).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant shall continue to maintain the health insurance for the children.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide any Unreimbursed Medical Expenses for the children pursuant to the 30/30 rule. The 30/30 rule requires the party who receives a medical bill to provide the other party with the bill within thirty (30) days. If the bill is not provided within the thirty (30) day period, the Court may consider it as a waiver of reimbursement. The receiving party shall then have thirty (30) days from receipt of the bill to dispute said expense in writing or remit one half (1/2) of the amount to the other party. If the expense is not disputed or paid within the thirty (30) day period, the receiving party may be subject to a finding of contempt and appropriate sanctions. (See Decision Video Transcript @ 10:52:40).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall abide by their Partial Parenting Agreement filed on January 31, 2023 that addresses holidays. See Parenting Plan, attached hereto as Exhibit 2 and incorporated herein.

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FAMILY DIVISION, DEPT. O
LAS VEGAS, NV 89101-2408

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant's (Dad's) child support obligation is set at One Thousand One Hundred Twenty Five Dollars ($1,125.00) per month, effective January 1, 2024. This amount is based upon Mom's gross monthly income of $5,620.23 and Dad's gross monthly income of $18,436.49. Said obligation shall be due by the last day of each month. This amount is in the children's best interest and is in compliance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services. (See Decision Video Transcript @ 10:52:57 – 10:53:12).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Dad shall continue to pay for Bishop Gorman and Bishop Gorman Cheer. (See Decision Video Transcript @ 10:53:18).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide all other extracurricular activities for the children. The children's historical extracurricular activities shall remain status quo and the parties shall ensure the children attend their historical extracurricular activities on their respective timeshare. (See Decision Video Transcript @ 10:53:26 – 10:54:00).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that pursuant to Defendant's Exhibits D through H, Defendant has a total credit card debt of $73,797.98 and pursuant to Plaintiff's Exhibits 25 through 36, Plaintiff has a total credit card debt of $25,724.88 for a total community credit card debt of $99,522.86. Each party shall be responsible for paying $49,761.43 of the community credit card debt. Plaintiff will be responsible to pay the debt in her name totaling $25,724.88 and Defendant will be responsible to pay the debt in his name totaling $73,797. 98. However, Defendant will take the sum of $24,036.55 from Plaintiff's portion of the community property equity in the house[1] and use

[1] See analysis of community property equity in the house set forth herein.

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that sum to pay off at least that much of his own credit card debt leaving each party responsible for approximately $25,724.88 in credit card debt remaining to pay on each of their respective credit card debt. (See Decision Video Transcript @ 10:54:00 – 10:56:00).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties have a tax liability for 2022 in the amount of Fifty Nine Thousand Seven Hundred One Dollars ($59,701.00), which is community debt. Plaintiff stated that she will not amend the parties return to reduce the parties tax liability. Thus, the parties shall equally divide said liability with each party being responsible for $29,850.50 of the IRS debt. The Parties shall have the option of filing an amended 2022 tax return to reduce the tax liability. However, if Plaintiff elects not to participate in filing an amended return, then the debt will stand at its present level and Plaintiff's portion of the debt will be $29,850.50. Defendant shall deduct Plaintiff's one-half (1/2) share of the IRS liability from Plaintiff's community property interest in the Marital Residence. (See Decision Video Transcript @ 10:56:03 – 11:03:48).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Marital Residence located at 591 Tours Players Road, Las Vegas, Nevada 89148 is awarded to Defendant as his Sole and Separate Property, subject to the encumbrances thereon and subject to payment to Plaintiff of her community property share less all equalization payments due to Defendant as more specifically set forth below.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party's community property share of the Marital Residence is One Hundred Fifteen Thousand Dollars ($115,000.00). Plaintiff's portion of the equity shall be reduced by Twenty Four Thousand Thirty Six Dollars and Fifty Five Cents ($24,036.55) for credit card equalization and Twenty Nine Thousand Eighty Hundred Fifty Dollars and Fifty Cents ($29,850.50) for her share of the 2022 Internal Revenue Service debt. Thus, Plaintiff's share of the equity in the marital

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residence is Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant shall have thirty (30) days, until January 31, 2024, to refinance the marital residence and buyout Plaintiff for a total amount of Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) to be paid via Cashier's Check. Defendant shall also set aside funds for the Internal Revenue Service debt to be paid. Attorney Friedman shall have Defendant's Cashier's Check delivered to Attorney Ghibaudo for Plaintiff to retrieve the Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) and Plaintiff shall sign a receipt. Parties shall also execute a Quitclaim Deed, which shall be arranged by counsel in advance. (See Decision Video Transcript @ 11:03:51 – 11:04:02).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that if Defendant does not pay Plaintiff by January 31, 2024, the Marital Residence shall be listed for sale. The credit card and Internal Revenue Service debt shall be initially paid from the sale proceeds and then the Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) shall be paid to Plaintiff. (See Decision Video Transcript @ 11:04:08).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that pursuant to stipulation, Defendant shall be awarded the timeshare and any associated debt as his sole and separate property and/or debt. (See Decision Video Transcript @ 11:05:35).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party shall keep his or her own vehicles and any associated debt as his or her sole and separate property and/or debt. (See Decision Video Transcript @ 11:05:40).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party shall keep his or her own bank accounts as his or her sole and separate property. The parties shall equally

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divide their retirement accounts. (See Decision Video Transcript @ 11:05:47).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide their retirement accounts effective December 20, 2023. (See Decision Video Transcript @ 11:05:47). Any pensions shall be divided pursuant to Gemma and Fondi. Any qualified domestic orders shall be prepared within thirty (30) days of the Entry of the Decree of Divorce.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Court finds that there is insufficient evidence that Defendant agreed to assume the family loans. Accordingly, the Court orders that the family loans from Plaintiff's family are the sole and separate debt of the Plaintiff. (See Decision Video Transcript @ 11:06:32 – 11:06:50).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that based upon the parties' FDFs and the Court's analysis of the parties' gross incomes, deductions, and expenses (including the calculations of child support and costs of extracurricular activities), Defendant shall pay to Plaintiff alimony in the amount of $1,000.00 per month for a period of seven (7) years, effective January 1, 2024. It shall be modifiable based upon a showing of changed circumstances. (See Decision Video Transcript @ 11:07:00 – 11:09:06).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant's bonus shall be placed in Attorney Friedman's trust account, which shall be held until mutually divided and/or distributed. Defendant/Attorney Friedman shall provide proof of the net amount of the bonus to Plaintiff/Attorney Ghibaudo[2]. (See Decision Video Transcript @ 11:07:00 – 11:12:30).

/ / /

/ / /

[2] The Parties mutually acknowledge that as of the date of submission of this Decree, the bonus has been distributed and each party received the sum of $5,706.96

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DISTRICT JUDGE
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IT IS FURTHER ORDERED ADJUDGED AND DECREED that Attorney Friedman shall prepare and submit the Decree of Divorce to Department O and Attorney Ghibaudo shall review and countersign.[3]

IT IS FURTHER ORDERED ADJUDGED AND DECREED that this CASE shall be CLOSED upon entry of the Decree of Divorce.

NOTICE:

Pensions and/or retirement assets acquired after marriage by either spouse is community property. In granting a divorce, this Court shall, to the extent practicable, make an equal disposition of the community property of the parties, absent compelling reasons. See NRS 125.150. In dividing pension or retirement assets this Court must also comply with NRS 125.155, the Employee Retirement Income Security Act of 1974 (ERISA), and any other applicable state and federal laws. Litigants are responsible for presenting testimony and evidence in support of any claim they believe they have for the manner in which these assets should be allocated. See *Gemma v. Gemma*, 105 Nev. 458, 778 P.2d 429 (1989) and *Fondi v. Fondi*, 106 Nev. 856, 802 P.2d 1264 (1990).

In making the order outlined above, this Court allocates the community and separate property portions of the parties' disclosed retirement and pension assets in accordance with applicable law or this court accepts the parties' stipulated settlement agreement. For certain types of retirement and pension assets, an additional court order such as a Qualified Domestic Relations order (QDRO) or Court Order Acceptable for Processing (COAP) is required to effectuate the Decree of Divorce awarding a portion of the participant's pension plan, military pension, or retirement asset to another payee. QDROs and COAPs are generally issued

[3] This Court drafted this final Findings of Fact, Conclusions of Law and Decree of Divorce based upon the competing Decrees provided by Counsel and inserting findings regarding custody.

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separate from the Decree of Divorce and must conform of the terms set forth in the Decree of Divorce. See *Henson v. Henson*, 130 Nev. 814, 334 P.3d 933 (2014). It is the litigants' responsibility to ensure any necessary QDRO or COAP orders are provided to the Court for issuance at the time of issuance of the Decree of Divorce or immediately following issuance of the Decree of Divorce. The Court does not and will not prepare these orders for you.

STATUTORY NOTICES

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.

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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 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 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

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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, which can be found at the following link:
https://www.familylawselfhelpcenter.org/images/forms/misc/addresschange-pdf-fillable.pdf

IT IS SO ORDERED.

Dated this 4th day of April, 2024



dk

786 051 B50B BA49
Regina M. McConnell
District Court Judge

EXHIBIT 1

JOINT LEGAL CUSTODY PROVISIONS:

IT IS FURTHER ORDERED that each party shall consult and cooperate with the other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and healthcare of the child(ren).

IT IS FURTHER ORDERED that each party shall have access to healthcare and school records pertaining to the child(ren) and be permitted to independently consult with any and all professionals involved with the child(ren).

IT IS FURTHER ORDERED that all schools, healthcare providers, and regular daycare providers for the child(ren) shall be selected jointly by the parties.

IT IS FURTHER ORDERED that each party shall be empowered to obtain emergency healthcare for the child(ren) without the consent of the other party. Healthcare includes treatment for mental health, therapy and counseling. Each party shall notify the other party as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child(ren). Neither party may obtain non-emergency healthcare for the children without advance notice to the other party of the time and date of the appointment so that the other party may attend.

IT IS FURTHER ORDERED that each party shall have access to any information concerning the well-being of the child(ren), 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(ren); samples of school work; order forms for school pictures; all communications from schools, healthcare providers, and regular daycare providers for the child(ren) to include the names, addresses, and telephone numbers of all such schools, healthcare providers, and regular daycare providers.

IT IS FURTHER ORDERED that each party shall advise the other party of school, athletic, church, and social events in which the child(ren) participate(s), and each agrees to notify the other party within a reasonable time after first learning of the future occurrence of any such event so as to allow the other party to make arrangements to attend the event if he or she chooses to do so. Both parties may participate with the child(ren) in all such events, including but not limited to, attendance at school events, athletic events, church events, social events, open house, school plays, graduation ceremonies, school carnivals, etc.

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DISTRICT JUDGE
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IT IS FURTHER ORDERED that each party shall be prohibited from enrolling the child(ren) in extracurricular activities which infringes upon the other party's parenting time without advance authorization from the other party.

IT IS FURTHER ORDERED that each party shall provide the other party with the address and telephone number at which the minor child(ren) reside(s), and to notify the other party at least ten (10) days prior to any change of address and provide the telephone number of such address change as soon as it is assigned.

IT IS FURTHER ORDERED that each party shall provide the other party with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child(ren) can be reached whenever the child(ren) will be away from that party's home for a period of two (2) nights or more.

IT IS FURTHER ORDERED that neither party shall disparage the other in the presence of the child(ren), nor shall either party make any comment of any kind that would demean the other party in the eyes of the child(ren).

REGINA M McCONNELL
DISTRICT JUDGE
FAMILY DIVISION, DEPT. O
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EXHIBIT 2

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

NICOLE BIRGE,

Plaintiff,

vs.

Case No. ~~D-656501-D~~ D-22-656501-D
Department No. M

JOE BIRGE,

Defendant.

PARTIAL PARENTING AGREEMENT

Date of Hearing: January 24, 2023
Time of Hearing: 11:00 a.m.

The parents, Nicole Birge, mother, and Joe Birge, father, have met in mediation and have agreed to a Parenting Agreement regarding Jayla Birge, DOB: 05/17/2007, and Jonathan Birge, DOB: 01/02/2014, which addresses legal custody, holidays, and vacation. The parents have been unable to reach an agreement with regard to the issues of time-share, Martin Luther King, Jr., Holiday, Parents' Birthdays, Children's Birthdays, Spring Break, Winter Break, transportation and the issue of which parent have odd-numbered years and even-numbered years for Easter; therefore, they need the Court to make the final determination in these matter for them.

LEGAL CUSTODY PROVISIONS

Legal custody addresses the issues and matters including, but not limited to, the health, education, religious upbringing and welfare of the children.

The parents agree to joint legal custody of the children named above.

The parents agree to provide each other with the names, addresses and phone numbers of all medical, educational, child care and other providers of professional services for the

children. Should this information change, each parent agrees to provide notification in advance, or as soon as possible, to the other parent.

Both parents are entitled to have access to medical information (both emergency and routine) and school records, and to consult with any and all professionals involved with the children. The parents agree that each parent shall be empowered to obtain emergency health care for the children without the consent of the other parent. The parents agree to notify the other parent as soon as reasonably possible of any illness requiring medical attention or any emergency involving the children.

OBTAINING INFORMATION

The parents agree to provide each other with the address and phone number at which the children reside.

The parents agree to notify each other, and the Clerk of the Court, in writing at least ten (10) days prior to changing residences, phone numbers or employment.

The parents agree to provide each other, upon receipt, information concerning the well-being of the children including, but not limited to, school information, activities involving the children and all communications from health care providers.

The parents agree to advise each other of school, athletic and social events in which the children participate, and both parents may participate in activities for the children.

HOLIDAYS

Holidays and special times shall take precedence over all other time-share arrangements. The parents agree that all holidays not specifically enumerated below shall be celebrated during the regular time-share arrangements.

…

Easter

The parents agree that Easter shall be defined as beginning Easter at 9:00 a.m. and concluding Easter at 8:00 p.m. The parents have been unable to reach an agreement with regard to the issue of which parent have odd-numbered years and even-numbered years for Easter; therefore, they need the Court to make the final determination in this matter for them.

Fourth of July

The parents agree that the Fourth of July shall be defined as beginning July 4 at 9:00 a.m. and concluding July 5 at 9:00 a.m. The Fourth of July shall be alternated on a yearly basis, with the children residing with the father in odd-numbered years and with the mother in even-numbered years.

Thanksgiving

The parents agree that Thanksgiving shall be defined as beginning the day before Thanksgiving at 2:00 p.m. and concluding the day after Thanksgiving at 9:00 a.m. Thanksgiving shall be alternated on a yearly basis, with the children residing with the father in odd-numbered years and with the mother in even-numbered years.

Mother's/Father's Day

The parents agree that Mother's/Father's Day shall be defined as beginning Mother's/Father's Day at 9:00 a.m. and concluding Mother's/Father's Day at 8:00 p.m. The children shall reside with the mother each year on Mother's Day and with the father each year on Father's Day.

VACATION

Vacation shall take precedence over the regular time-share arrangements but not over the holiday time-share arrangements.

The parents agree that, provided it causes no disruption to the children's schooling, they shall each be allowed to have the children for fourteen (14) days each year during their respective vacations, with seven (7) days advance written notice via e-mail to the other parent.

ADDITIONAL TIME

The parents agree that any additional time with the children or changes in the time-share arrangements shall be by mutual agreement. If the parents cannot agree then the regular time-share arrangements shall be followed.

NOTICE

The parents agree that in the event any scheduled time cannot be kept, the parent unable to comply with the schedule will notify the other parent as soon as possible.

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MODIFYING THE PARENTING AGREEMENT

If parenting issues arise, the parents agree to re-mediate or seek court orders to resolve the issues.

/s/
Nicole Birge
Mother

DATE

/s/
Joe Birge
Father

DATE

ADOPTED IN OPEN COURT

/s/
Julie Raye
Attorney for Plaintiff

DATE 1/26/2023

/s/
Kenneth Friedman
Attorney for Defendant

DATE 1/26/2023

ORDER

Based upon the agreement of the parties and good cause being shown, IT IS HEREBY ORDERED that the terms and conditions of the above Parenting Agreement are adopted.

Dated this 31st day of January, 2023

4A8 5E9 E0DA A89E
Amy M. Mastin
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Nicole Cherie Birge, Plaintiff	CASE NO: D-22-656501-D
vs.	DEPT. NO. Department M
Joe Larry Birge, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Parenting Agreement 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: 1/31/2023

Julie Raye	efilings@thegracelawfirm.com
Joe Birge, II	six4svn@gmail.com
Kenneth Friedman	k.friedman@hotmail.com

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Nicole Cherie Birge, Plaintiff vs. Joe Larry Birge, Defendant.	CASE NO: D-22-656501-D DEPT. NO. Department O

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: 4/4/2024

Joe Birge, II	six4svn@gmail.com
Kenneth Friedman	k.friedman@hotmail.com
Alex GHIBAUDO	alex@glawvegas.com

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Steven D. Grierson
CLERK OF THE COURT

NED

DISTRICT COURT
CLARK COUNTY, NEVADA
* * *

Nicole Cherie Birge, Plaintiff vs. Joe Larry Birge, Defendant.	Case No: D-22-656501-D Department O

NOTICE OF ENTRY OF DECREE

Please take notice that a FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE was entered in the foregoing action and the following is a true and correct copy thereof.

Dated: April 04, 2024

/s/ Dayna Klingenberg
Dayna Klingenberg
Judicial Executive Assistant
Department O

NED

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

☒ I provided, the foregoing NOTICE OF ENTRY OF DECREE to:

Alex Ghibaudo, Esq.
Alex@glawvegas.com

Kenneth S. Friedman, Esq.
k.friedman@hotmail.com

/s/ Dayna Klingenberg

Dayna Klingenberg
Judicial Executive Assistant
Department O

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CLERK OF THE COURT

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

NICOLE BIRGE, Plaintiff vs. JOE BIRGE, Defendant.	Case No.: D-22-656501-D Dept. No.: O Date of Hearing: December 20, 2023 Time of Hearing: 10:30 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

This matter came on for a Non-Jury Trial before the above-entitled court on November 3, November 17 and December 1, 2023 with a Decision Hearing held on December 20, 2023. Plaintiff, NICOLE BIRGE, appeared in person and represented by her attorney, Alex B. Ghibaudo, Esq., and Defendant, JOE BIRGE, appeared in person and represented by his attorney, Kenneth S. Friedman, Esq., of Walsh & Friedman, Ltd. The Court having heard the testimony of both parties, having weighed the credibility thereof, having reviewed any exhibits that were admitted in to evidence, if any, and the pleading and papers on file herein, the Court hereby issues the following Findings of Fact, Conclusions of Law and Orders:

FINDINGS OF FACT & CONCLUSIONS OF LAW

THE COURT HEREBY FINDS that the Plaintiff is now and has been an actual bona fide resident of the State of Nevada and has been actually domiciled in the State of Nevada for more than six weeks immediately prior to the commencement of this action, based upon the testimony of Plaintiff's friend.

/ / /

REGINA M. MCCONNELL
DISTRICT JUDGE
FAMILY DIVISION, DEPT. O
LAS VEGAS, NV 89101-2408

Statistically closed: USJR-FAM-Set/Withdrawn with Judicial Conf/Hearing Close Case (UWJC)

THE COURT FURTHER FINDS that this Court has complete jurisdiction to enter this Decree and the orders regarding the distribution of assets and debts.

THE COURT FURTHER FINDS that Plaintiff (hereinafter "Mom') and Defendant (hereinafter "Dad') were married on or about July 26, 2003 in Black Diamond, Washington and have remained married. The parties have become, and continue to be, incompatible in marriage, and no reconciliation is possible.

THE COURT FURTHER FINDS that the Plaintiff and Defendant have three (3) minor children born the issue of their marriage, to wit: JAYLA RENEE BIRGE born May 17, 2007; JRUE RION BIRGE, born February 3, 2012; and JONATHAN RHYS BIRGE, born January 2, 2014. There were no children born prior to the marriage, no children adopted during the marriage and the Plaintiff is not pregnant.

THE COURT FURTHER FINDS that the children are residents of Nevada and have lived here for at least 6 months prior to the commencement of this action. Nevada is the habitual residence of the children, and this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

THE COURT FURTHER FINDS that any custody and visitation orders made herein are in the best interest of the children.

THE COURT FURTHER FINDS that the amount of child support ordered herein is in compliance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services or has been stipulated to by the parties as being in the best interest of the children.

THE COURT FURTHER FINDS that the Plaintiff and the Defendant should be granted an absolute Decree of Divorce for the reasons set forth in the Complaint and Counterclaim.

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THE COURT FURTHER FINDS that as to joint legal custody, the Court must consider NRS 125C.002, which states in pertinent part:

> 1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:
>
> (a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal 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.

THE COURT FURTHER FINDS AND CONCLUDES that the record supports an award of joint legal custody is in the best interest of the minor children. Furthermore, the parties agreed to joint legal custody in the Partial Parenting Agreement, which was filed and made an Order of the Court on January 31, 2023.

THE COURT FURTHER FINDS that with respect to physical custody, NRS 125C.0025 states in pertinent part that:

> 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.

THE COURT FURTHER FINDS that NRS 125C.003(1)(a) states in pertinent part that:

> [a]n award of joint physical custody is presumed not to be in the best interest of the child if: (a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year.

THE COURT FURTHER FINDS that with respect to physical custody, NRS 125C.0035 states in pertinent part:

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

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

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

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

THE COURT FURTHER FINDS AND CONCLUDES that based upon the statutory presumption, joint physical custody is in the best interests of the minor children.

THE COURT FURTHER FINDS that even though joint physical custody is awarded, this Court will address the best interests of the parties' children by considering the factors established under NRS 125C.0035(4), as follows:

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

Jayla is 16 years old and was interviewed by Family Mediation Center and the report was entered into evidence pursuant to the parties' previous stipulation with Moms' prior counsel; however, Mr. Ghibaudo, who came on as Mom's counsel after the stipulation, objected to the admission and the objection was overruled. According to the report, Jayla aligned more with the father and there appears to be some issues in their relationship, which based upon the evidence, could be a result of the ongoing litigation. The Court finds that Jayla is of sufficient age to state an opinion and this factor favors Dad.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

There was no substantial evidence that one parent denied the other parent any time with the minor children. Therefore, this Court finds this factor is neutral.

(d) The level of conflict between the parents.

The evidence provided did indicate there is higher conflict between the parents but that is mainly is a result of the ongoing litigation. The Court finds this factor is neutral as there was no evidence that one parent caused the conflict over the other parent.

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

There was testimony by both parties as to the cooperation between the parents. There was an issue that arose during the trial wherein it was Mom's scheduled custodial time and she neglected to schedule someone to pick Jayla up from school. There was also testimony that Dad did not provide Mom with all of the information regarding the Jrue's basketball activities. The Court finds that this factor is neutral, as both parents are not cooperating; however, it is mostly likely a result of the ongoing litigation.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

The Court finds that this factor is neutral, as the evidence provided that both parents are able to meet the physical, developmental and emotional needs of the children.

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

There was evidence based upon Jayla's interview that her relationship with her Mom is strained and she has a good relationship with her father. Additional evidence provided that

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Jrue and Jonathan have good relationships with both parents. This factor is neutral for the most part except for the strain between Mom and Jayla, which could be due to the ongoing litigation.

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

This factor is not applicable.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

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

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

(l) Whether either parent has committed an act of abduction against the child or any other child.

There was no evidence provided by either party in regards to this factor. Therefore, the Court finds that this factor is not applicable.

THE COURT FURTHER FINDS AND CONCLUDES that that the record supports an award of joint physical custody as it is in the best interest of the children pursuant to the factors stated above; however, Mom needs to work on repairing her relationship with Jayla.

THE COURT FURTHER FINDS that the record supports a finding that based upon the interview of Jayla, Mom needs to work on repairing her relationship with her daughter.

THE COURT FURTHER FINDS that Plaintiff's gross monthly income is Five Thousand Six Hundred Twenty Two and Dollars and Twenty Two Cents ($5620.22), and Defendant's gross monthly income is Eighteen Thousand Four Hundred Thirty Six Dollars and Forty Nine Cents ($18,436.49).

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THE COURT FURTHER FINDS that there was no dispute as to the appraised Fair Market Value of the Marital Residence of Seven Hundred Ninety Thousand Dollar ($790,000.00).

THE COURT FURTHER FINDS that the outstanding mortgage, as supported by the evidence, is Four Hundred Sixty Five Thousand Dollars ($465,000.00) and the outstanding Pool Loan, as supported by the evidence, is Ninety Five Thousand Dollars ($95,000.00).

THE COURT FURTHER FINDS that the net equity of the marital residence is Two Hundred Thirty Thousand Dollars ($230,000.00).

ORDER

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the parties shall have Joint Legal Custody of the minor children concerning decisions involving the children's health, education, religion, and welfare. See Joint Legal Custody Standards, attached hereto as Exhibit 1 and incorporated herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that that the parties shall share Joint Physical Custody of the subject minor children to wit: Jayla Birge, born, May 17, 2007, Jrue Birge, born February 3, 2012, and Jonathan Birge, born, January 2, 2014. The parties shall continue to exercise a week on / week off custodial visitation with the minor children with exchanges occurring on Sundays at 4:00 p.m. Based upon Jayla's age and taking into account her wishes, Jayla is granted limited teenage discretion but shall spend at least three (3) days per week with Mom, consisting of Sunday at 4:00 p.m. to Wednesday at 4:00

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p.m., at a minimum, if not the whole week. (See Decision Video Transcript @ 10:50:45 – 10:51:00).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mom shall work on repairing her relationship with Jayla. Dad shall encourage the relationship between Mom and Jayla.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall not play any games using their children.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall not leave the children at their school(s) without a plan to pick up all three (3) of the children at the necessary times. (See Decision Video Transcript @ 10:52:07).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant shall continue to maintain the health insurance for the children.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide any Unreimbursed Medical Expenses for the children pursuant to the 30/30 rule. The 30/30 rule requires the party who receives a medical bill to provide the other party with the bill within thirty (30) days. If the bill is not provided within the thirty (30) day period, the Court may consider it as a waiver of reimbursement. The receiving party shall then have thirty (30) days from receipt of the bill to dispute said expense in writing or remit one half (1/2) of the amount to the other party. If the expense is not disputed or paid within the thirty (30) day period, the receiving party may be subject to a finding of contempt and appropriate sanctions. (See Decision Video Transcript @ 10:52:40).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall abide by their Partial Parenting Agreement filed on January 31, 2023 that addresses holidays. See Parenting Plan, attached hereto as Exhibit 2 and incorporated herein.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant's (Dad's) child support obligation is set at One Thousand One Hundred Twenty Five Dollars ($1,125.00) per month, effective January 1, 2024. This amount is based upon Mom's gross monthly income of $5,620.23 and Dad's gross monthly income of $18,436.49. Said obligation shall be due by the last day of each month. This amount is in the children's best interest and is in compliance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services. (See Decision Video Transcript @ 10:52:57 – 10:53:12).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Dad shall continue to pay for Bishop Gorman and Bishop Gorman Cheer. (See Decision Video Transcript @ 10:53:18).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide all other extracurricular activities for the children. The children's historical extracurricular activities shall remain status quo and the parties shall ensure the children attend their historical extracurricular activities on their respective timeshare. (See Decision Video Transcript @ 10:53:26 – 10:54:00).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that pursuant to Defendant's Exhibits D through H, Defendant has a total credit card debt of $73,797.98 and pursuant to Plaintiff's Exhibits 25 through 36, Plaintiff has a total credit card debt of $25,724.88 for a total community credit card debt of $99,522.86. Each party shall be responsible for paying $49,761.43 of the community credit card debt. Plaintiff will be responsible to pay the debt in her name totaling $25,724.88 and Defendant will be responsible to pay the debt in his name totaling $73,797. 98. However, Defendant will take the sum of $24,036.55 from Plaintiff's portion of the community property equity in the house[1] and use

[1] See analysis of community property equity in the house set forth herein.

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that sum to pay off at least that much of his own credit card debt leaving each party responsible for approximately $25,724.88 in credit card debt remaining to pay on each of their respective credit card debt. (See Decision Video Transcript @ 10:54:00 – 10:56:00).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties have a tax liability for 2022 in the amount of Fifty Nine Thousand Seven Hundred One Dollars ($59,701.00), which is community debt. Plaintiff stated that she will not amend the parties return to reduce the parties tax liability. Thus, the parties shall equally divide said liability with each party being responsible for $29,850.50 of the IRS debt. The Parties shall have the option of filing an amended 2022 tax return to reduce the tax liability. However, if Plaintiff elects not to participate in filing an amended return, then the debt will stand at its present level and Plaintiff's portion of the debt will be $29,850.50. Defendant shall deduct Plaintiff's one-half (1/2) share of the IRS liability from Plaintiff's community property interest in the Marital Residence. (See Decision Video Transcript @ 10:56:03 – 11:03:48).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Marital Residence located at 591 Tours Players Road, Las Vegas, Nevada 89148 is awarded to Defendant as his Sole and Separate Property, subject to the encumbrances thereon and subject to payment to Plaintiff of her community property share less all equalization payments due to Defendant as more specifically set forth below.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party's community property share of the Marital Residence is One Hundred Fifteen Thousand Dollars ($115,000.00). Plaintiff's portion of the equity shall be reduced by Twenty Four Thousand Thirty Six Dollars and Fifty Five Cents ($24,036.55) for credit card equalization and Twenty Nine Thousand Eighty Hundred Fifty Dollars and Fifty Cents ($29,850.50) for her share of the 2022 Internal Revenue Service debt. Thus, Plaintiff's share of the equity in the marital

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residence is Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant shall have thirty (30) days, until January 31, 2024, to refinance the marital residence and buyout Plaintiff for a total amount of Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) to be paid via Cashier's Check. Defendant shall also set aside funds for the Internal Revenue Service debt to be paid. Attorney Friedman shall have Defendant's Cashier's Check delivered to Attorney Ghibaudo for Plaintiff to retrieve the Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) and Plaintiff shall sign a receipt. Parties shall also execute a Quitclaim Deed, which shall be arranged by counsel in advance. (See Decision Video Transcript @ 11:03:51 – 11:04:02).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that if Defendant does not pay Plaintiff by January 31, 2024, the Marital Residence shall be listed for sale. The credit card and Internal Revenue Service debt shall be initially paid from the sale proceeds and then the Sixty One Thousand One Hundred Twelve Dollars and Ninety Five Cents ($61,112.95) shall be paid to Plaintiff. (See Decision Video Transcript @ 11:04:08).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that pursuant to stipulation, Defendant shall be awarded the timeshare and any associated debt as his sole and separate property and/or debt. (See Decision Video Transcript @ 11:05:35).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party shall keep his or her own vehicles and any associated debt as his or her sole and separate property and/or debt. (See Decision Video Transcript @ 11:05:40).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party shall keep his or her own bank accounts as his or her sole and separate property. The parties shall equally

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divide their retirement accounts. (See Decision Video Transcript @ 11:05:47).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties shall equally divide their retirement accounts effective December 20, 2023. (See Decision Video Transcript @ 11:05:47). Any pensions shall be divided pursuant to Gemma and Fondi. Any qualified domestic orders shall be prepared within thirty (30) days of the Entry of the Decree of Divorce.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Court finds that there is insufficient evidence that Defendant agreed to assume the family loans. Accordingly, the Court orders that the family loans from Plaintiff's family are the sole and separate debt of the Plaintiff. (See Decision Video Transcript @ 11:06:32 – 11:06:50).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that based upon the parties' FDFs and the Court's analysis of the parties' gross incomes, deductions, and expenses (including the calculations of child support and costs of extracurricular activities), Defendant shall pay to Plaintiff alimony in the amount of $1,000.00 per month for a period of seven (7) years, effective January 1, 2024. It shall be modifiable based upon a showing of changed circumstances. (See Decision Video Transcript @ 11:07:00 – 11:09:06).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendant's bonus shall be placed in Attorney Friedman's trust account, which shall be held until mutually divided and/or distributed. Defendant/Attorney Friedman shall provide proof of the net amount of the bonus to Plaintiff/Attorney Ghibaudo[2]. (See Decision Video Transcript @ 11:07:00 – 11:12:30).

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[2] The Parties mutually acknowledge that as of the date of submission of this Decree, the bonus has been distributed and each party received the sum of $5,706.96

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IT IS FURTHER ORDERED ADJUDGED AND DECREED that Attorney Friedman shall prepare and submit the Decree of Divorce to Department O and Attorney Ghibaudo shall review and countersign.[3]

IT IS FURTHER ORDERED ADJUDGED AND DECREED that this CASE shall be CLOSED upon entry of the Decree of Divorce.

NOTICE:

Pensions and/or retirement assets acquired after marriage by either spouse is community property. In granting a divorce, this Court shall, to the extent practicable, make an equal disposition of the community property of the parties, absent compelling reasons. See NRS 125.150. In dividing pension or retirement assets this Court must also comply with NRS 125.155, the Employee Retirement Income Security Act of 1974 (ERISA), and any other applicable state and federal laws. Litigants are responsible for presenting testimony and evidence in support of any claim they believe they have for the manner in which these assets should be allocated. See *Gemma v. Gemma*, 105 Nev. 458, 778 P.2d 429 (1989) and *Fondi v. Fondi*, 106 Nev. 856, 802 P.2d 1264 (1990).

In making the order outlined above, this Court allocates the community and separate property portions of the parties' disclosed retirement and pension assets in accordance with applicable law or this court accepts the parties' stipulated settlement agreement. For certain types of retirement and pension assets, an additional court order such as a Qualified Domestic Relations order (QDRO) or Court Order Acceptable for Processing (COAP) is required to effectuate the Decree of Divorce awarding a portion of the participant's pension plan, military pension, or retirement asset to another payee. QDROs and COAPs are generally issued

[3] This Court drafted this final Findings of Fact, Conclusions of Law and Decree of Divorce based upon the competing Decrees provided by Counsel and inserting findings regarding custody.

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separate from the Decree of Divorce and must conform of the terms set forth in the Decree of Divorce. See *Henson v. Henson*, 130 Nev. 814, 334 P.3d 933 (2014). It is the litigants' responsibility to ensure any necessary QDRO or COAP orders are provided to the Court for issuance at the time of issuance of the Decree of Divorce or immediately following issuance of the Decree of Divorce. The Court does not and will not prepare these orders for you.

STATUTORY NOTICES

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.

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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 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 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

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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, which can be found at the following link: https://www.familylawselfhelpcenter.org/images/forms/misc/addresschange-pdf-fillable.pdf

IT IS SO ORDERED.

Dated this 4th day of April, 2024

dk

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Regina M. McConnell
District Court Judge

REGINA M. MCCONNELL
DISTRICT JUDGE
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EXHIBIT 1

JOINT LEGAL CUSTODY PROVISIONS:

IT IS FURTHER ORDERED that each party shall consult and cooperate with the other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and healthcare of the child(ren).

IT IS FURTHER ORDERED that each party shall have access to healthcare and school records pertaining to the child(ren) and be permitted to independently consult with any and all professionals involved with the child(ren).

IT IS FURTHER ORDERED that all schools, healthcare providers, and regular daycare providers for the child(ren) shall be selected jointly by the parties.

IT IS FURTHER ORDERED that each party shall be empowered to obtain emergency healthcare for the child(ren) without the consent of the other party. Healthcare includes treatment for mental health, therapy and counseling. Each party shall notify the other party as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child(ren). Neither party may obtain non-emergency healthcare for the children without advance notice to the other party of the time and date of the appointment so that the other party may attend.

IT IS FURTHER ORDERED that each party shall have access to any information concerning the well-being of the child(ren), 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(ren); samples of school work; order forms for school pictures; all communications from schools, healthcare providers, and regular daycare providers for the child(ren) to include the names, addresses, and telephone numbers of all such schools, healthcare providers, and regular daycare providers.

IT IS FURTHER ORDERED that each party shall advise the other party of school, athletic, church, and social events in which the child(ren) participate(s), and each agrees to notify the other party within a reasonable time after first learning of the future occurrence of any such event so as to allow the other party to make arrangements to attend the event if he or she chooses to do so. Both parties may participate with the child(ren) in all such events, including but not limited to, attendance at school events, athletic events, church events, social events, open house, school plays, graduation ceremonies, school carnivals, etc.

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IT IS FURTHER ORDERED that each party shall be prohibited from enrolling the child(ren) in extracurricular activities which infringes upon the other party's parenting time without advance authorization from the other party.

IT IS FURTHER ORDERED that each party shall provide the other party with the address and telephone number at which the minor child(ren) reside(s), and to notify the other party at least ten (10) days prior to any change of address and provide the telephone number of such address change as soon as it is assigned.

IT IS FURTHER ORDERED that each party shall provide the other party with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child(ren) can be reached whenever the child(ren) will be away from that party's home for a period of two (2) nights or more.

IT IS FURTHER ORDERED that neither party shall disparage the other in the presence of the child(ren), nor shall either party make any comment of any kind that would demean the other party in the eyes of the child(ren).

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EXHIBIT 2

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

NICOLE BIRGE,

Plaintiff,

vs.

Case No. D-22-656501-D ~~D-656501-D~~
Department No. M

JOE BIRGE,

Defendant.

PARTIAL PARENTING AGREEMENT

Date of Hearing: January 24, 2023
Time of Hearing: 11:00 a.m.

The parents, Nicole Birge, mother, and Joe Birge, father, have met in mediation and have agreed to a Parenting Agreement regarding Jayla Birge, DOB: 05/17/2007, and Jonathan Birge, DOB: 01/02/2014, which addresses legal custody, holidays, and vacation. The parents have been unable to reach an agreement with regard to the issues of time-share, Martin Luther King, Jr., Holiday, Parents' Birthdays, Children's Birthdays, Spring Break, Winter Break, transportation and the issue of which parent have odd-numbered years and even-numbered years for Easter; therefore, they need the Court to make the final determination in these matter for them.

LEGAL CUSTODY PROVISIONS

Legal custody addresses the issues and matters including, but not limited to, the health, education, religious upbringing and welfare of the children.

The parents agree to joint legal custody of the children named above.

The parents agree to provide each other with the names, addresses and phone numbers of all medical, educational, child care and other providers of professional services for the

children. Should this information change, each parent agrees to provide notification in advance, or as soon as possible, to the other parent.

Both parents are entitled to have access to medical information (both emergency and routine) and school records, and to consult with any and all professionals involved with the children. The parents agree that each parent shall be empowered to obtain emergency health care for the children without the consent of the other parent. The parents agree to notify the other parent as soon as reasonably possible of any illness requiring medical attention or any emergency involving the children.

OBTAINING INFORMATION

The parents agree to provide each other with the address and phone number at which the children reside.

The parents agree to notify each other, and the Clerk of the Court, in writing at least ten (10) days prior to changing residences, phone numbers or employment.

The parents agree to provide each other, upon receipt, information concerning the well-being of the children including, but not limited to, school information, activities involving the children and all communications from health care providers.

The parents agree to advise each other of school, athletic and social events in which the children participate, and both parents may participate in activities for the children.

HOLIDAYS

Holidays and special times shall take precedence over all other time-share arrangements. The parents agree that all holidays not specifically enumerated below shall be celebrated during the regular time-share arrangements.

…

Easter

The parents agree that Easter shall be defined as beginning Easter at 9:00 a.m. and concluding Easter at 8:00 p.m. The parents have been unable to reach an agreement with regard to the issue of which parent have odd-numbered years and even-numbered years for Easter; therefore, they need the Court to make the final determination in this matter for them.

Fourth of July

The parents agree that the Fourth of July shall be defined as beginning July 4 at 9:00 a.m. and concluding July 5 at 9:00 a.m. The Fourth of July shall be alternated on a yearly basis, with the children residing with the father in odd-numbered years and with the mother in even-numbered years.

Thanksgiving

The parents agree that Thanksgiving shall be defined as beginning the day before Thanksgiving at 2:00 p.m. and concluding the day after Thanksgiving at 9:00 a.m. Thanksgiving shall be alternated on a yearly basis, with the children residing with the father in odd-numbered years and with the mother in even-numbered years.

Mother's/Father's Day

The parents agree that Mother's/Father's Day shall be defined as beginning Mother's/Father's Day at 9:00 a.m. and concluding Mother's/Father's Day at 8:00 p.m. The children shall reside with the mother each year on Mother's Day and with the father each year on Father's Day.

VACATION

Vacation shall take precedence over the regular time-share arrangements but not over the holiday time-share arrangements.

The parents agree that, provided it causes no disruption to the children's schooling, they shall each be allowed to have the children for fourteen (14) days each year during their respective vacations, with seven (7) days advance written notice via e-mail to the other parent.

ADDITIONAL TIME

The parents agree that any additional time with the children or changes in the time-share arrangements shall be by mutual agreement. If the parents cannot agree then the regular time-share arrangements shall be followed.

NOTICE

The parents agree that in the event any scheduled time cannot be kept, the parent unable to comply with the schedule will notify the other parent as soon as possible.

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MODIFYING THE PARENTING AGREEMENT

If parenting issues arise, the parents agree to re-mediate or seek court orders to resolve the issues.

/s/
Nicole Birge
Mother

DATE

/s/
Joe Birge
Father

DATE

ADOPTED IN OPEN COURT

/s/
Julie Raye
Attorney for Plaintiff

DATE 1/26/2023

/s/
Kenneth Friedman
Attorney for Defendant

DATE 1/26/2023

ORDER

Based upon the agreement of the parties and good cause being shown, IT IS HEREBY ORDERED that the terms and conditions of the above Parenting Agreement are adopted.

Dated this 31st day of January, 2023

4A8 5E9 E0DA A89E
Amy M. Mastin
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Nicole Cherie Birge, Plaintiff	CASE NO: D-22-656501-D
vs.	DEPT. NO. Department M
Joe Larry Birge, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Parenting Agreement 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: 1/31/2023

Julie Raye	efilings@thegracelawfirm.com
Joe Birge, II	six4svn@gmail.com
Kenneth Friedman	k.friedman@hotmail.com

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Nicole Cherie Birge, Plaintiff	CASE NO: D-22-656501-D
vs.	DEPT. NO. Department O
Joe Larry Birge, 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: 4/4/2024

Joe Birge, II	six4svn@gmail.com
Kenneth Friedman	k.friedman@hotmail.com
Alex GHIBAUDO	alex@glawvegas.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** January 10, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

January 10, 2023 11:00 AM All Pending Motions

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Antoria Pickens

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Julie Raye, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY ORDERS, CHILD SUPPORT, TEMPORARY MAINTENANCE, SALE OF MARITAL RESIDENCE, PRELIMINARY ATTORNEY FEES AND COSTS AND RELATED RELIEF CASE MANAGEMENT CONFERENCE RETURN HEARING (FMC) DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR TEMPORARY CUSTODY ORDERS, CHILD SUPPORT, TEMPORARY MAINTENANCE, SALE OF MARTIAL RESIDENCE, PRELIMINARY ATTORNEY FES AND COSTS, AND RELATED RELIEF AND COUNTERMOTION FOR CHILD INTERVIEW.

Court called the case and noted that all parties appeared via the blue jeans app for today's hearing. Court reviewed the pleadings before the Court and advised all parties that the Court did not receive a report from FMC; therefore, the Court was unaware of what occurred during mediation. Upon the Court's inquiry, Attorney Raye stated the parties could not reach an agreement through FMC.

Court and counsel discussed the party's custody stipulation regarding their two youngest children,

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Mr. Birge's request for primary custody of the eldest child, Ms. Birge's request to amend her complaint, each party's income, Mr. Birge's bonus, and the maintenance of the community.

Discussion.

Court noted the parties reside in the same home.

Court advised all parties that the Court was only inclined to make orders addressing Mr. Birge's bonus.

COURT ORDERED,

The Court shall continue the hearing to January 26, 2023, at 11:30 AM.

Attorney Raye shall file an amended complaint and update the motion on or before January 20, 2023. Attorney Friedman shall have until January 25, 2023, by the close of business to file a response.

The Court shall deny all requests to list the marital home for sale until the case has concluded or a stipulation of the parties.

Mr. Birge shall continue to maintain the community by placing the $3000 into the joint account from every paycheck, with Mrs. Birge's keeping her check/income to herself.

Each party shall file an updated FDF with the Court and serve a copy upon the opposing party.

No monies shall be distributed or spent from Mr. Birge's bonus check of $20,000 until further order by the Court or stipulation of the parties.

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** January 26, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

January 26, 2023 **11:30 AM** **Case Management Conference**

HEARD BY: Mastin, Amy M. **COURTROOM:** Courtroom 04

COURT CLERK: Antoria Pickens

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Julie Raye, Attorney, present

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

Court called the case and noted that all parties appeared via the blue jeans app for today's hearing. Court noted the Case Management Conference was continued from 1-10-23. Court and counsel discussed Plaintiff/Mom's request to relocate to Washington, each party's understanding regarding Plaintiff's amended complaint and motion, and the party's living arrangements.

Attorney Friedman stated Defendant/Dad was able to secure a loan from his family to buy Plaintiff out of the marital home.

Further discussion was held regarding each party's income and the check rendered to Attorney Friedman from Defendant/Dad.

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COURT ORDERED,

The Court shall set a Pre Trial Conference for April 27, 2023, at 11:30 AM.

Counsel shall file an amended complaint and an amended answer to the complaint with the Court.

The Court shall adopt the Court's parenting plan as the Court's permanent order.

Counsel shall discuss the home's equity and potential buyout.

Attorney Friedman shall render $5015 to Attorney Raye within 72 hours, and he shall keep the remaining $1000 for Attorney Fees and Costs.

Discovery shall be OPEN for 120 days; the department shall issue a case management order to all parties.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** May 18, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

May 18, 2023 **11:00 AM** **Status Check**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Luz Leal Santillan

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Julie Raye, Attorney, present

JOURNAL ENTRIES

- STATUS CHECK: RE: DISCOVERY TO CLOSE 120 DAYS AND/OR SETTING THE MATTER FOR TRIAL

All parties appeared via VIDEO CONFERENCE through the BlueJeans application.

Upon Court's inquiry, Attorney Friedman stated the matter needs to be set for trial. Attorney Friedman further stated if Plaintiff is not willing to stipulate for the oldest child to remain in Las Vegas then a child interview should be ordered so it can be used at the time of trial or Defendant may have her testify at trial. Attorney Raye stated the oldest child has made it clear that she wishes to remain in Las Vegas however if it is the Court's wish to keep the children together they will not stipulate to have the oldest child remain in Las Vegas. Attorney Raye further stated there was a motion filed asking for temporary alimony, child support, and Sargent fees by Plaintiff in January of this year however Judge Mastin held off on making temporary orders because the parties were living together. Attorney Raye stated she filed an Ex-Parte Motion informing the Court of the current toxic

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living situation and the need for temporary orders as to child support, spousal support, and attorney fees. Attorney Raye agrees that an Evidentiary Hearing needs to be set preferably before the start of the next school year as Plaintiff has secured a job in Washington. Attorney Friedman addressed Attorney Raye's arguments and stated if Plaintiff wants temporary child support, spousal support and attorney's fees she needs to file a new motion so he can file an opposition and have it be heard on the merits. Attorney Friedman further stated there is no reason why Plaintiff needs to move out of the house as there is no domestic violence.

Further arguments by counsels.

Attorney Raye requested a status check within 7-10 days to have the Court make temporary rulings after reviewing the motion from January and opposition from March along with the updated Financial Disclosure Forms.

COURT ORDERED the following:

1. Defendant shall file an OPPOSITION to Plaintiff's Ex Parte Application by 05/30;

2. A STATUS CHECK Re: Plaintiff's Amended Motion filed in January, Ex Parte Application and Defendant's Opposition is SET for 06/15/2023 at 10:00 a.m.;

3. Parties shall be REFERRED to Family Mediation Center (FMC) for Mediation for a CHILD INTERVIEW for the oldest child. The Order for the Family Mediation Center Services was EXECUTED and FILED IN OPEN COURT. Copies shall be provided to Counsel;

4. The CHILD INTERVIEW shall be allowed to come in at trial;

5. A NON-JURY TRIAL Re: Divorce and All Related Matters is SET for 11/03/2023 at 9:00 a.m. (Full Day) (Day #1) and 11/17/2023 at 9:00 a.m. (Full Day) (Day #2);

6. CALENDAR CALL is SET for 10/24/2023 at 11:00 a.m.

Court shall prepare the Non-Jury Trial Management Order.

CLERK'S NOTE: A copy of the FMC Child Interview was provided to counsel via e-mail. (05/18/2023 - lls)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 15, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

June 15, 2023 **10:00 AM** **Status Check**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Hilary Moffett

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Julie Raye, Attorney, present

JOURNAL ENTRIES

- STATUS CHECK

Court noted its confusion regarding Defendant's financial disclosure form. Mr. Friedman stated that Defendant's gross monthly income is $19,306.46. Arguments were made regarding bonuses he receives.

Further arguments were made.

COURT ORDERED:

1. The POOL LOAN shall be paid off if the house is sold.

2. Defendant shall pay Plaintiff CHILD SUPPORT in the amount of $1,220.00 per month effective June 2023, based on Defendant's gross monthly income of $19,306.00 and Plaintiff's gross monthly

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income of $5,456.00.

3. Parties shall follow a week-on/week-off CUSTODY SCHEDULE with EXCHANGES occurring each Sunday at 4:00 p.m. The FATHER'S DAY exchange on 6/18/23 shall occur at 10:00 a.m. RECEIVING PARTY shall transport the children, employing the honk-and-seatbelt rule.

4. Defendant shall maintain EXCLUSIVE POSSESSION of the marital residence. Plaintiff shall be allowed access to the amenities, but not to the house.

5. Defendant shall temporarily continue to pay for the children's PRIVATE SCHOOL.

6. Plaintiff shall be awarded temporary SPOUSAL SUPPORT in the amount of $1,000.00 per month. The first payment shall be due 7/1/23 and paid by no later than 7/15/23.

7. Parties shall bear their own ATTORNEY'S FEES.

Mr. Friedman shall prepare the order and submit to Ms. Raye for review.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Jun 15, 2023 10:00AM Status Check
Plaintiff's Amended Motion filed in January, Ex Parte Application and Opposition
Courtroom 04 McConnell, Regina M.

Oct 24, 2023 11:00AM Calendar Call
Courtroom 04 McConnell, Regina M.

Nov 03, 2023 9:00AM Non-Jury Trial
Re: Divorce and All Related Matters (Day #1 - Full Day)
Courtroom 04 McConnell, Regina M.

Nov 17, 2023 9:00AM Non-Jury Trial
Re: Divorce and All Related Matters (Day #3 - Half Day)
Courtroom 04 McConnell, Regina M.

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DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** July 26, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

July 26, 2023 **1:00 PM** **All Pending Motions**

HEARD BY: Ganz, Adam **COURTROOM:** Courtroom 05

COURT CLERK: Ameiona Ratcliff

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, not present	Melissa Barry, Attorney, not present

JOURNAL ENTRIES

- MOTION: DEFENDANT'S MOTION FOR A PROTECTIVE ORDER PURSUANT TO NRCP 45(A)(B) OPPOSITION & COUNTERMOTION: PLAINTIFF'S OPPOSITION TO MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 45(A)(B) AND COUNTERMOTION FOR ATTORNEY'S FEES

Attorney Lisa Szyc, Bar # 11726 substituting on behalf of Attorney Ghibaudo.

In the interest of public safety and for Judicial economy, all Parties were present via VIDEO CONFERENCE through the BlueJeans application.

Argument presented in regards the Motion for a Protective Order and the basis as to the necessity of the Defendant's request.

COMMISSIONER GANZ stated his FINDINGS and RECOMMENDED the following:

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1. Pursuant to NRCP 26(b)(1), THIS COURT must determine if the discovery sought is RELEVANT to any Party s claims or defenses AND whether it is proportional to the needs of the case

a. Here, because Nevada is a no-fault divorce state, infidelity is irrelevant to any claims or defenses, also,

2. With regards to Proportionality, THIS COURT considered the factors in NRCP 26(b)(1) and determined that the discovery sought is not proportional to the case specifically,

a. The importance of the issues at stake in the action;

i. Here this is a divorce and very important to the Parties

b. The amount in controversy;

i. Here significant

c. The Parties' relative access to relevant information;

i. Here this factor weighs in favor allowing the discovery

d. The Parties' resources;

a. Here a neutral or not applicable factor here as to this specific issue

e. The importance of the discovery in resolving the issues;

i. Here this is the most significant factor in my opinion; the is zero importance to the discovery sought as it is not relevant to any claim or defense in the case and will not shed any light on the issues before the district court in this matter

f. And whether the burden or expense of the proposed discovery outweighs its likely benefit.

i. Here a neutral or not applicable factor here as to this specific issue

3. VENETIAN - So the remaining analysis is to determine if there is good cause to protect the information sought under the test outlined in NRCP 26(c)(1) and the Venetian v. EJDC case adopting the Glenmede factor "[I] may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense , specifically, I considered:

2. If particularized harm would occur due to public disclosure of the information;

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A. Here - probably a neutral or not applicable factor here

3. Balance the public and private interests to decide whether a protective order is necessary

A. Whether disclosure will violate any privacy interests

I. Here this is very private information and certainly weighed with the fact it is not relevant and not proportional, this factor weighs heavily in favor or protecting

B. Whether the information is being sought for a legitimate purpose or for an improper purpose;

I. Here again, because it is not relevant and not proportional, this factor weighs heavily in favor or protecting as the only reason can be for an improper purpose

C. Whether disclosure of the information will cause a Party embarrassment;

I. Here again, this is very private information and, this factor weighs heavily in favor or protecting

D. Whether confidentiality is being sought over information important to public health and safety;

I. Here a neutral or not applicable factor here as to this specific issue

E. Whether the sharing of information among litigants will promote fairness and efficiency;

I. Here a neutral or not applicable factor here as to this specific issue

F. Whether a Party benefiting from the order of confidentiality is a public entity or official

I. Here a neutral or not applicable factor here as to this specific issue

G. Whether the case involves issues important to the public.

I. Here a neutral or not applicable factor here as to this specific issue

4. Even if the factors balance in favor of protecting the discovery material, "a court must still consider whether redacting portions of the discovery material will nevertheless allow disclosure. MOTION FOR FEES DENIED; I feel there were legitimate issues of contention and therefore opposed in good faith.

COMMISSIONER GANZ NOTED:

The Court has broad discretion to decide when a protective order is appropriate and to what degree of protection is required and I find that there is good cause to grant the motion for protective order in

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its entirety

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 24, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

October 24, 2023 11:00 AM Calendar Call

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Teresa Romero

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- CALENDAR CALL

This matter, having come before the Court for Calendar call, was heard via BLUEJEANS VIDEO CONFERENCE and JAVS RECORDING. Plaintiff/ Mother and attorney Alex Ghibaudo present via BLUEJEANS VIDEO CONFERENCE. Defendant/ Father and attorney Friedman present in the courtroom. The Court present in person.

Attorney Ghibaudo confirmed that they are not ready to take matter to trial. Mr. Ghibaudo stated that he has been haggling Mr. Friedman office to obtain response to the discovery and have been going back and forth for a deposition date, it has been a nightmare to get disclosures and discovery. Mr. Ghibaudo explained the obstacles he has been encountering trying to obtain information. Mr. Ghibaudo addressed custody, noting that father agreed to joint custody, then changed to primary physical custody.

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Attorney Friedman responded to statements by Mr. Ghibaudo and responded to the obstacles that were encountered. Attorney advised mother is intentionally expanding the cost of litigation. He also stated that opposing attorney was aware of the primary custody. Mr. Friedman addressed the issues of the home and appraisal, upon the objection of Mr. Ghibaudo. Noted that mother does not want to give the house to father and advised that there is no reason why matter should not move forward.

Attorney Ghibaudo responded to statements noting that documents that are needed are important in order to move forward.

Court noted will need to set trial.

Counsel continued to address alimony issues AND DISCLOSURES.

Following statements, the COURT ORDERED the following:

1. Trial date STANDS ON 11/3.

CLERK'S NOTE: Minutes completed via JAVS by courtroom clerk Wendy Swinton on 10/28.

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 24, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

October 24, 2023 1:30 PM Motion

HEARD BY: Ganz, Adam **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jazmyne Rhodes

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES; FOR DISCOVERY SANCTIONS PURSUANT TO NRCP 37(B)(2); AND FOR ATTORNEY FEES AND COSTS.

Attorney Ghibaudo #10592 was present on behalf of Plaintiff/Ms. Birge via VIDEO CONFERENCE by BLUEJEANS. Defendant/Mr. Birge was present with Attorney Friedman #5311 IN PERSON. ADR/COMMISSIONER Ganz was present IN PERSON.

Upon the matter being placed on the record, ATTORNEY GHIBAUDO represented Motion to compel is on the written discovery and disclosures. Attorney Ghibaudo recently received some disclosures on a USB that is password protected. Attorney Ghibaudo requested the disclosures in addition to a request for production be produced by Friday, October 27, 2023.

Commissioner Ganz NOTED there was no opposition to the Motion to Compel. Commissioner Ganz inquired to Attorney Friedman was there any discussion regarding resolutions.

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ATTORNEY FRIEDMAN stated he and Attorney Ghibaudo discussed Attorney Friedman would orally oppose the motion. Attorney Friedman FURTHER reviewed the Defendant's bank statements and credit card statements that were electronically served to Attorney Ghibaudo's office today 10.24.2023.

Commissioner Ganz stated there were no proper 5.402 Meet and Confer regarding INTERROGATORIES.

Commissioner Ganz ORDERED the following:

1. Plaintiff/Ms. Birge motions are DENIED pursuant to EDCR 2.40. In addition, there wasn't a proper MEET and CONFER 5.402.). In all future motions, whether counsel demonstrate attempts to engage in a meaningful meet and confer is the first thing Discovery staff will review when the department receives a motion. If moving counsel fails to demonstrate the meet and confer was not conducted according to the standard required by EDCR 5.402, staff will either reject the motion and/or take it off calendar until the movant demonstrates counsel engaged in a proper meet and confer.

2. STATUS CHECK scheduled for November 21, 2023, at 1:15 PM for submission of Report and Recommendation by Attorney Friedman.

3. Attorney Friedman shall prepare the Report and Recommendation from today's hearing.

CLERK'S NOTE: The above minutes were prepared by Jazmyne R/JR on 11.04.2023.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 03, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

November 03, 2023 **9:00 AM** **Non-Jury Trial**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Andrelle Stanley

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- NON-JURY TRIAL RE: DIVORCE AND ALL RELATED MATTERS (DAY #1 - FULL DAY)

All parties were present IN PERSON.

HOUSEKEEPING.

OPENING STATEMENT waived by Attorney Ghibaudo. OPENING STATEMENT by Attorney Friedman.

Plaintiff SWORN and TESTIFIED. Exhibits OFFERED and ADMITTED. (See worksheets.)

MATTER TRAILED.
MATTER RECALLED.

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Plaintiff further TESTIFIED.

COURT TRAILED the matter to review the JAVS recording and Minutes from the May 18, 2023 hearing.
MATTER RECALLED.

FURTHER HOUSEKEEPING.

Plaintiff further TESTIFIED.

MATTER TRAILED.
MATTER RECALLED.

Plaintiff further TESTIFIED.

FURTHER HOUSEKEEPING.

MATTER TRAILED.
MATTER RECALLED.

Defendant SWORN and TESTIFIED.

FURTHER HOUSEKEEPING.

COURT ORDERED, the NON-JURY TRIAL currently SET on November 17, 2023 at 9:00 AM shall STAND.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 17, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

November 17, 2023 **9:00 AM** **Non-Jury Trial**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Teresa Romero

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- NON-JURY TRIAL: DIVORCE AND ALL RELATED MATTERS (DAY #2 - HALF DAY)

COURTROOM CLERK: Teresa Romero

All parties were present IN PERSON. Attorney Alex Ghibaudo was present IN PERSON on behalf of the Plaintiff. Attorney Kenneth Friedman was present IN PERSON on behalf of the Defendant.

Court called the case and stated the hearing's proceedings.

Court stated the parties would not be able to go too far into the after noon so the Court may have to continue the trial for another date if the parties are not able to finish.

Parties SWORN.

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CONTINUED TESTIMONY and EXHIBITS presented. (See Worksheet)

Discussion from the Court and counsel in regards to continuing the hearing and in regards to Plaintiff's exhibits.

COURT ORDERED the following:

1. The Non- Jury Trial Re; Divorce and All Related Issues shall be CONTINUED to December 1, 2023 at 9:00 AM. (Half Day)

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 01, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

December 01, 2023 9:00 AM **Non-Jury Trial**

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Teresa Romero

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- NON-JURY TRIAL RE: DIVORCE AND ALL RELATED MATTERS (DAY #3 - HALF DAY)

COURTROOM CLERK: Teresa Romero (tr)

All parties were present IN PERSON. Attorney Alex Ghibaudo was present IN PERSON on behalf of the Plaintiff. Attorney Kenneth S. Friedman was present IN PERSON on behalf of the Defendant.

Court called the case and stated the hearing proceedings.

HOUSEKEEPING in regards to the attorney's behavior during the trial, the counsel doing closing briefs or oral closing arguments and the parties holiday schedule for the Christmas break.

Parties SWORN and TESTIFIED.

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MATTER TRAILED for a lunch break.

MATTER RECALLED.

CLOSING ARGUMENTS made by counsel.

COURT ORDERED the following:

1. A Decision Hearing Re: Non- Jury Trial Decision shall be set for 12/20/2023 at 10:30 AM.

CLERKS NOTE: Off the record discussion with the counsels in regards to their behavior during the trial and staying on track with the trial. (tr)

CLERKS NOTE: Off the record clarification of the exhibits that were stipulated and admitted. (tr)

INTERIM CONDITIONS:

FUTURE HEARINGS: Dec 01, 2023 9:00AM Non-Jury Trial
Re: Divorce and All Related Matters (Day #3 - Half Day)
Courtroom 04 McConnell, Regina 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** December 20, 2023

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

December 20, 2023 10:30 AM Decision

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Andrelle Stanley

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, present	Alex Ghibaudo, Attorney, present

JOURNAL ENTRIES

- DECISION

Plaintiff, Defendant, and Attorney Friedman were present IN PERSON.
Attorney Ghibaudo was present via VIDEO CONFERENCE through the BLUEJEANS application.

Court summarized today's proceedings. Court recapped the outstanding issues to be adjudicated.

RESIDENT WITNESS SWORN, TESTIFIED, and CANVASSED.

Based upon the testimony and evidence presented during the NON-JURY TRIAL, COURT STATED its FINDINGS and ORDERED, as follows:

ABSOLUTE DECREE OF DIVORCE shall be GRANTED;

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Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of their children;

The WEEK ON/WEEK OFF CUSTODIAL SCHEDULE shall remain STATUS QUO;

The eldest child/daughter is afforded with TEENAGE DISCRETION however the eldest child/daughter is required to spend three (3) days a week with Plaintiff at a minimum from Sundays through Wednesdays;

Plaintiff shall work on repairing her RELATIONSHIP with the eldest child/daughter. Parties shall encourage the RELATIONSHIP between Plaintiff and their eldest child/daughter;

Parties shall NOT play any games using their children;

Parties shall NOT leave the children at their school(s) without a plan to PICK UP all three (3) of the children at the necessary time;

Defendant shall continue to maintain the HEALTH INSURANCE for the children;

Parties shall equally divide any UNREIMBURSED MEDICAL EXPENSES for the children pursuant to the 30/30 RULE;

Parties shall abide by their PARENTING AGREEMENT that addresses HOLIDAYS, which shall be incorporated into the DECREE OF DIVORCE as an EXHIBIT;

Defendant's CHILD SUPPORT OBLIGATION is SET at $1,125.00 per month, EFFECTIVE January 1, 2024, which shall be DUE by the last day of each month;

Defendant shall continue to pay for BISHOP GORMAN and BISHOP GORMAN CHEER. Parties shall equally divide all other EXTRACURRICULAR ACTIVITIES for the children. The children's historical EXTRACURRICULAR ACTIVITIES shall remain STATUS QUO;

There is a total sum of $99,522.86 in CREDIT CARD DEBT, making each party responsible for $49,761.43. Plaintiff shall be solely responsible for her CREDIT CARDS listed in her EXHIBITS 25 through 36, which have a total sum of $25,724.88. Defendant shall be solely responsible for his CREDIT CARDS listed in his EXHIBITS D through H, which have a total sum of $73,797.98, however Defendant shall receive $24,036.55 of Plaintiff's COMMUNITY PROPERTY portion of the MARITAL RESIDENCE, which he shall pay ALL towards his CREDIT CARDS, so that each party has an approximate total of $25,724.88 in CREDIT CARD DEBT remaining to pay on his or her own;

Parties may amend their 2022 TAX RETURN to file jointly to see how they can reduce their IRS DEBT that is currently $59,701.00. If they choose to amend it, then they shall equally divide any remaining liabilities, with Plaintiff's owed balance coming from her COMMUNITY PROPERTY portion of the MARITAL RESIDENCE. If they choose NOT to amend it, then they shall equally divide the current

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IRS DEBT of $59,701.00;

Defendant shall have thirty (30) days to REFINANCE the MARITAL RESIDENCE and BUYOUT Plaintiff for a total amount of $61,112.95 by January 31, 2024 via CASHIER'S CHECK. Defendant shall also set aside funds for the IRS DEBT. Attorney Friedman shall have Defendant's CASHIER'S CHECK delivered to Attorney Ghibaudo for Plaintiff to retrieve the $61,112.95 and Plaintiff shall sign a RECEIPT. Parties shall also execute a QUITCLAIM DEED, which shall be arranged by counsel in advance;

If Defendant does NOT pay Plaintiff by January 31, 2024, then the MARITAL RESIDENCE shall be LISTED for SALE. The CREDIT CARD and IRS DEBT shall be initially PAID from the SALE PROCEEDS and then the $61,112.95 shall be PAID to Plaintiff;

Pursuant to STIPULATION, Defendant shall be awarded the TIMESHARE and any associated debt as his sole and separate property and/or debt;

Each party shall keep his or her own VEHICLE(S) and any associated debt as his or her sole and separate property and/or debt;

Each party shall keep his or her own BANK ACCOUNTS as his or her sole and separate property;

Parties shall equally divide their RETIREMENT ACCOUNTS;

Plaintiff shall keep the FAMILY LOAN(S) she obtained as her sole and separate debt;

Defendant shall pay ALIMONY to Plaintiff for SEVEN (7) YEARS in the amount of $1,000.00 per month, EFFECTIVE January 1, 2024, which shall be DUE by the last day of each month and may be MODIFIABLE upon a change in circumstance(s);

Defendant's BONUS shall be placed in Attorney Friedman's TRUST ACCOUNT, which shall be held until mutually divided and/or distributed. Defendant/Attorney Friedman shall provide PROOF of the net amount of the BONUS to Plaintiff/Attorney Ghibaudo;

Attorney Friedman shall prepare and submit the DECREE OF DIVORCE to Department O. Attorney Ghibaudo shall review and countersign; and

CASE CLOSED upon entry of the DECREE OF DIVORCE.

INTERIM CONDITIONS:

FUTURE HEARINGS: Dec 20, 2023 10:30AM Decision

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Courtroom 04 McConnell, Regina 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** January 31, 2024

D-22-656501-D Nicole Cherie Birge, Plaintiff
vs.
Joe Larry Birge, Defendant.

January 31, 2024 9:00 AM Order to Show Cause

HEARD BY: McConnell, Regina M. **COURTROOM:** Courtroom 04

COURT CLERK: Cindy Sandoval-Aleman

PARTIES:

Jayla Birge, Subject Minor, not present	
Joe Birge, Defendant, Counter Claimant, not present	Kenneth Friedman, Attorney, present
Jonathan Birge, Subject Minor, not present	
Jrue Birge, Subject Minor, not present	
Nicole Birge, Plaintiff, Counter Defendant, not present	Melissa Barry, Attorney, not present

JOURNAL ENTRIES

- ORDER TO SHOW CAUSE: RE: NON SUBMISSION OF DECREE OF DIVORCE

COURT CLERKS: Cindy Sandoval (CS)

Attorney Ghibaudo was present IN PERSON. Representative, Jessica Friedman, was present via VIDEO CONFERENCE through the ZOOM application on behalf of Attorney Kenneth Friedman.

The Court reviewed the case and Noted based upon Attorney Ghibaudo's statements, he has requested for two (2) weeks extension. Representative Friedman accede to expect Due Date February 13, 2024. Representative on behalf of Attorney Friedman inquired on the status of the Quick Claim.

COURT ORDERED the following:

1) DIVORCE DECREE or COMPETING ORDER shall be due by February 13, 2024

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Pursuant to EDCR 5.601, the Minutes Order shall suffice, and a written Order is not required.

Minutes prepared by Courtroom Clerk I Cindy Sandoval-Aleman (CS)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

PMEM
Alex B. Ghibaudo, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
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F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

NICOLE CHERIE BIRGE,

Plaintiff,

vs.

JOE LARRY BIRGE,

Defendant.

Case Number: D-22-656501-D
Department: O

Date of Hearing: November 3, 2023
Time of Hearing: 9:00 a.m.

PLAINTIFF'S LIST OF TRIAL EXHIBITS

Exhibit	Description of Exhibit	Admitted	Not Admitted	
	FDF's			
1	Plaintiff's Financial Disclosure Form	12/01/23		STIP
2	Defendant's Financial Disclosure Form	12/01/23		STIP
	Tax Returns			
3	2019 Income Tax Return, NCB 0326-	11/08/23		STIP

	0327			
4	2020 Income Tax Return, NCB 0328-0329	11/08/23		STIP
5	2021 Income Tax Return, NCB 0330-0331	11/03/23		STIP
6	2022 Income Tax Return-Nicole, NCB 0893-0896	11/03/23		STIP
7	2022 Income Tax Return-Joe, JLB 001376-001404	11/03/23		STIP
	ASSETS			
8	591 Tour Players Deed, NCB 0309-0312			
9	591 Tour Players Appraisal, NCB 0723-0727	11/03/23		STIP
10	NV Energy/Vanguard 401K-Joe, JLB 0215-0231	11/03/23		STIP
11	NVPERS-Nicole, NCB 0369	11/03/23		STIP
12	City of Tacoma/Mission Square Retirement-Joe, NCB 0889-0892	11/03/23		STIP
13	Schedule of Personal Property, NCB 0897			
	Bank Accounts			
14	WSECU Checking Account-Joe 5844 January 2022 -March 2023,	11/03/23		STIP

14 cont.	JLB 0839-0846 JLB 0295-0298 JLB 0284-0287 JLB 0290-0292 JLB 0082-0100 JLB 0809-0811 JLB 0104-0116 JLB 0792-0795	11/03/23		STIP
15	WSECU Savings Account-Joe 9446* Jan-Dec 2022 & Jan 2023 JLB 0904-0905 JLB 0302-0303 JLB 0293-0294 JLB 0165-0178 JLB 0886-0887 * disclosed as Renee Birge Account	11/03/23		STIP
16	WSECU Savings Account-Joe/Jayla 4384 May-Nov 2022 & Jan 2023 JLB 0299-0301 JLB 0286-0289 JLB0148-0164	11/03/23		STIP
17	BECU Multiple Accounts-Nicole & Joe, NCB 0001-0030	11/03/23		STIP
18	Capital One Bank-Nicole NCB 0031-0048	11/03/23		STIP
19	Chase Bank-Nicole, May-Nov 2022, NCB 0049-0066	11/03/23		STIP
	DEBT/CREDIT CARDS			
20	USAA AMEX-Joe Jan 2022 – Feb 2023 JLB 0565-0568 JLB 0249-0256 JLB 0265-0268 JLB 0028-0061	11/03/23		STIP

20 cont.	JLB 0541-0546 JLB 0523-0528 JLB 0555-0558 JLB 0631-0636			
21	USAA Visa-Joe June 2022 – Feb 2023 JLB 0609-0612 JLB 0257-0260 JLB 0269-0272 JLB 0261-0264 JLB 0062-0081	11/03/23		STIP
22	Bank of America Alaska Mileage Visa-Joe Jan 2022 – Mar 2023 JLB 0457-0462 JLB 0235-0248 JLB 0431-0448 JLB 001281-001316	11/03/23		STIP
23	WSECU Visa Gold Rewards-Joe Jan 2022-March 2023 JLB 1226-1229 JLB 1214-1219 JLB 1208-1210 JLB 1199-1204 JLB 1193-1195 JLB 1184-1189 JLB 1177-1179 JLB 1165-1170 JLB 1159-1161 JLB 1153-1155	11/03/23		STIP
24	WSECU Visa Platinum Rewards-Joe Jan 2022-June 2022 Sept. 2022 Nov-Dec 2022 Feb 2023 JLB 1220-1222 JLB 1211-1213 JLB 1205-1207 JLB 1196-1198 JLB 1190-1192 JLB 1180-1183 JLB 1171-1176	11/03/23		STIP

24 cont.	JLB 1162-1164 JLB 1156-1158 JLB 1150-1152	11/03/23		STIP
25	Apple Card-Nicole April 2023 NCB 0532-0535	11/03/23		STIP
26	PayPal Credit-Nicole Nov 2022 NCB 0234-0236	11/03/23		STIP
27	Capital One Venture-Nicole 2023 NCB 0556-0560	11/03/23		STIP
28	Credit One Bank-Nicole April 2023 NCB 0570-0571	11/03/23		STIP
29	Indigo Mastercard-Nicole May 2022 NCB 0588-0590	11/03/23		STIP
30	Kohl's Card-Nicole April 2023 NCB 0602-0604	11/03/23		STIP
31	Merrick Bank-Nicole April 2023 NCB 0613-0614	11/03/23		STIP
32	Milestone Mastercard-Nicole April 2023 NCB 0631-0633	11/03/23		STIP
33	Ollo Mastercard-Nicole April 2023 NCB 0655-0657	11/03/23		STIP
34	Sam's Club Mastercard-Nicole April 2023 NCB 0672-0674	11/03/23		STIP
35	CitiBank/Sears Mastercard-Nicole April 2023 NCB 0701-0706	11/03/23		STIP
36	Target-Nicole April 2023 NCB 0719-0721	11/03/23		STIP
37	Loan from Nicole's Parents-Nicole & JOe			

	02/07/2004 NCB 0307		
38	Promissory Note from Nicole's Parents-Nicole May 5, 2023 NCB 0722		
39	Text Messages between Nicole and Joe and between Joe and Jayla NCB 0833-0845, 0847, 0865, 0870, 0874, 0879, 0881-0883, 0898-0899		

DATED November 2, 2023.

/s/ Alex Ghibaudo

Alex B. Ghibaudo, Esq.
Attorney for Plaintiff

EXHS

KENNETH S. FRIEDMAN, ESQ.
Nevada Bar No.: 5311
WALSH & FRIEDMAN, LTD.
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660
Email: k.friedman@hotmail.com
Attorney for Defendant

DISTRICT COURT
FAMILY COURT
CLARK COUNTY, NEVADA

NICOLE CHERIE BIRGE, Plaintiff, vs. JOE LARRY BIRGE, Defendant	CASE NO.: D-22-656501-D DEPT. NO.: O

DEFENDANT'S SECOND SET OF TRIAL EXHIBITS

COMES NOW, DEFENDANT, JOE LARRY BIRGE, by and through his attorney, KENNETH S. FRIEDMAN, ESQ., and submits this list of trial exhibits.

DEFENDANT'S LIST OF EXHIBITS						
EXHIBIT NO.	**DOCUMENT**	**OFFERED**		**ADMITTED**		
		DATE		**OBJ**		**DATE**
A	FMC Child Interview for Jayla Renee Birge (JLB001336-JLB001341)	11/03/23		YES		11/03/23

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Las Vegas, NV 89101
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B	Appraisal of Marital Home (NCB0723-NCB0815)	11/17/23		STIP		11/17/23
C	Pool Loan Balance (JLB001342)	11/17/23		STIP		11/17/23
D	USAA September and October Statement for account ending in xxx3406 (JLB001343-JLB001354)	11/03/23		STIP		11/03/23
E	USAA September and October Statement for account ending in xxx7194 (JLB001355-JLB001362)	11/03/23		STIP		11/03/23
F	WSECU October Statement for account ending in xxx44 06 (JLB001363-JLB001366)	11/03/23		STIP		11/03/23
G	WSECU October Statement for account ending in xxx 44 01 (JLB001367-JLB001369)	11/03/23		STIP		11/03/23
H	Bank of America October Statement account ending in xxx2767 (JLB001370-JLB001373)	11/03/23		STIP		11/03/23
I	Joe Birge Jr. 2022 W2 (JLB001374)	11/17/23		STIP		11/17/23
J	401(K) Balance (JLB001375)	11/17/23		STIP		11/17/23
K	**2022 Federal Tax Returns (JLB001376-JLB001404)**	11/17/23		STIP		11/17/23
L	**Videos**					

W... SH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

NICOLE BIRGE
10423 BEAVER TAIL
LAS VEGAS, NV 89178

DATE: May 7, 2024
CASE: D-22-656501-D

RE CASE: NICOLE CHERIE BIRGE vs. JOE LARRY BIRGE

NOTICE OF APPEAL FILED: May 3, 2024

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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE; NOTICE OF ENTRY OF DECREE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

NICOLE CHERIE BIRGE,

Plaintiff(s),

vs.

JOE LARRY BIRGE,

Defendant(s),

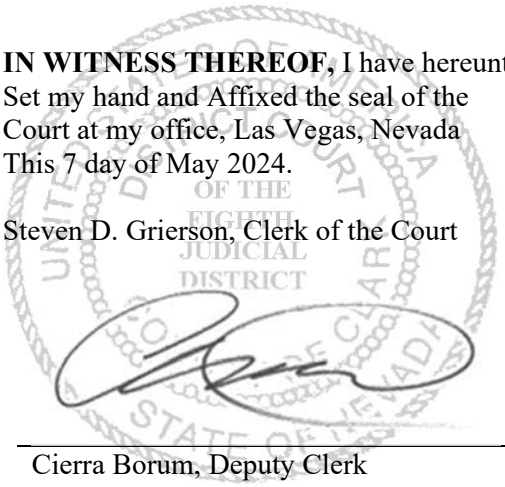
Case No: D-22-656501-D

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 7 day of May 2024.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk