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**EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

XXXXXXXXXXXXXXXXXXXX

Plaintiff,

vs.

XXXXXXXXXXXXXXXXXXXX

Defendant.

CASE NO.: D-20-XXXXXX-C

DEPT. NO.: J

Hearing Dates: June 21, 2024,  
January 13-14, 2025

**PLAINTIFF XXXXXXXX CLOSING BRIEF IN SUPPORT OF  
HER MOTION FOR ISSUANCE OF ORDER TO SHOW CAUSE  
WHY DEFENDANT XXXXXXXX SHALL NOT BE HELD IN  
CONTEMPT, FOR ATTORNEY'S FEES AND COSTS AND  
RELATED RELIEF**

COMES NOW, Plaintiff, XXXXXXXX ("Plaintiff" or "XXXXXX"), by  
and through her attorneys of record, James J. Jimmerson, Esq. and James  
M. Jimmerson, Esq., of The Jimmerson Law Firm, P.C. and hereby submits  
her Closing Brief in Support of her Motion For Issuance Of Order To Show  
Cause Why Defendant XXXXXXXX Shall Not Be Held In Contempt, For  
Attorney's Fees And Costs And Related Relief. This brief is being  
submitted along with XXXXXXXX Proposed Findings of Fact, Conclusions of  
Law, and Judgment (the "Proposed Judgment") for the Court's review and  
consideration.

1       **A. XXXXXXX's Requested Relief**

2       As detailed in her Verified Memorandum of Attorney's Fees and  
3       Costs and in the Proposed Judgment, XXXX respectfully requests the  
4       following relief:

- 5       1. That Defendant XXXXXXX ("Defendant" or XXX) be held in  
6       contempt for 597 separate violations of the February 6, 2020  
7       Stipulated Decree of Custody (the "Decree") and the September 13,  
8       2022 Parenting Agreement and Order (the "9-13-22 Order");
  - 9       2. That the Court order Defendant to serve one day of incarceration  
10      for each of the 597 separate acts of contempt, for a total of 597  
11      days.
  - 12      3. That the Court immediately issue a bench warrant for Defendant's  
13      arrest;
  - 14      4. That the Court order Defendant to serve thirty (30) days of  
15      incarceration upon arrest/detention, with the remaining balance  
16      of the sentence (five hundred sixty-seven (567) days) to be stayed;
  - 17      5. That the Court award Plaintiff her reasonable attorney's fees in  
18      the amount of \$185,028.50 and costs in the amount of \$24,911.83  
19      in connection with Plaintiff's Motion for an Order to Show Cause  
20      Why Defendant Should Not Be Held in Contempt, and for  
21      Attorney's Fees and Costs. Together, the attorney's fees and costs,  
22      \$209,940.33, should be the "Purge Amount," or the amount that  
23      Defendant may pay Plaintiff to purge his contempt;
  - 24      6. That the Court should order that upon full payment of the Purge  
25      Amount to Plaintiff, Defendant shall immediately purge the  
26      contempt and be released from the contempt sanction, including  
27      and up to incarceration;
- 28

7. That the Court award Plaintiff her reasonable attorney's fees in the amount of \$5,730.00 in connection with Plaintiff's Motion to Enforce the Parties' Decree of Custody; to Reduce to Judgment the Outstanding Amounts Defendant [REDACTED] Owes to Plaintiff Under the Decree; to Compel his Cooperation in Applying for a Passport for the Minor Child; and for an Award of Attorney's Fees and Costs (the "Arrears and Passport Motion");
8. That the Court award Plaintiff her reasonable attorney's fees in the amount of \$19,629.00 incurred in connection with Plaintiff's Motion to Compel Defendant [REDACTED] to Undergo Immediate Drug Testing, For Attorney's Fees and Costs, and Related Relief Motion (the "Drug Testing Motion");
9. That the Court order Defendant to fully comply with the terms of the Behavior Order within the February 6, 2020 Decree and the 9-13-22 Order;
10. That the Court order Defendant to fully pay for all costs for visitation supervisors now and into the future as well as fully pay for all costs for use of the Talking Parents application;
11. That the Court issue an order stating that if Defendant shall violate Paragraphs 1, 2, or 5 of the Behavior Order within the February 6, 2020 Decree of Custody or the behavior restrictions in the 9-13-22 Order, that the Court shall immediately revoke the stay of Defendant's, jail sentence, and the Court will immediately issue a bench warrant for Defendant's arrest upon receipt of an *ex parte* application by the Plaintiff. In the event Defendant is detained as a result of the issuance of a bench warrant, Defendant's bail shall be set at \$29,850.00 (\$50.00 for every act of contempt), pending an evidentiary hearing on the *ex parte*

1 application from Plaintiff, which evidentiary hearing shall be set  
2 on an order shortening time; and

3 12. That the Court issue an order that due to Defendant's voluntary  
4 absence from Court on January 13, 2025 and January 14, 2025,  
5 the issue of his voluntary absence from Court must be first  
6 addressed and resolved, with any further consequences, sanctions,  
7 or other orders resulting therefrom to be issued prior to  
8 addressing, considering, or deciding any requests for relief  
9 Defendant may have at that time, citing *Guerin v. Guerin*, 116  
10 Nev. 210, 213, 993 P.2d 1256, 1258 (2000); *United States v.*  
11 *Terabelian*, 105 F. 4th 1207 (9th Cir. 2024); *United States v.*  
12 *Besarovic*, No. 2:12-CR-0004-APG-GWF, 2017 WL 6762479, at \*2  
13 (D. Nev. Oct. 5, 2017), *report and recommendation adopted*, 2018  
14 WL 272173 (D. Nev. Jan. 2, 2018).

15 **B. Argument**

16 The evidence is overwhelming. Defendant willfully and repeatedly  
17 violated this Court's February 6, 2020 Decree of Custody and the  
18 September 13, 2022 Parenting Agreement and Order in engaging in  
19 abusive communication with [REDACTED] and his daughter [REDACTED]. The Court  
20 has seen firsthand the proof of these abusive communications.

- 21 • The Court heard Defendant call Plaintiff a k\*ke no fewer than  
22 22 times, including telling his then two-year-old daughter, "I'll  
23 stop for you [REDACTED] but your mother is a fucking k\*ke!" Exhibit  
24 6.  
25 • The Court listened to the audiotape of Defendant telling  
26 Plaintiff, "shut your stupid whore mouth" on October 1, 2023.  
27 Exhibit 41.  
28

- The Court saw the Talking Parents video call when, on May 4, 2024, just weeks before the first day of the evidentiary hearing on contempt, Defendant told his daughter, “mommy lied to the judges and I’m not allowed to see you again for a while because mommy doesn’t let me.” Exhibit 50. Quite tellingly, Defendant told his daughter during that conversation, “I could get in trouble for telling you this, I could get in a lot of trouble because I’m not supposed to tell you this.” *Id.* And yet he did it anyway! Defendant knew that the statements he was making were wrong and he made them, nonetheless.
- The Court heard the voicemails Defendant left for his daughter, saying, “Hi [REDACTED]...Mama makes it about herself and not about you because she’s a disgusting excuse of a co-parent. But I love you. I’m sorry she did that to you, because she doesn’t care about you,” and calling Plaintiff “a disgusting person.” *See* Exhibits 96; 38.
- The Court saw the messages where Defendant repeatedly celebrated Plaintiff’s serious health condition, colitis (which could be fatal to Plaintiff), telling her on July 19, 2023, “Colitis is a wonderful thing. You can keep [REDACTED] to yourself all you want for now. Statistically speaking... I’ll have her for the majority of her life.” *See* Exhibit 123.
- And the Court saw that in the months leading up to the filing of Plaintiff’s Motion for an Order to Show Cause, Defendant told Plaintiff, “You are manic, criminally insane human trash” (Exhibit 32 at [REDACTED]010834) and “You’re a cunt... A cunt just like your dead bitch mother.” (*id.* at [REDACTED]010841).

1        These are but some examples of the overwhelming evidence that  
2        Plaintiff has marshaled which demonstrate how vicious Defendant has  
3        been toward [REDACTED] over and over and over again in violation of this Court's  
4        orders.

5        And Defendant does not deny that he did these things. The Court  
6        will recall that in response to the Court's own questioning, Defendant  
7        affirmatively stated that he does not deny any of the allegations that he  
8        violated the terms of the Behavior Order portion of the Decree, testifying  
9        as follows:

10       Q.    Let me ask you this, have you reviewed the allegations  
11       against you regarding the violations of the Behavior Order?

12       A.    Yes.

13       Q.    And are you denying any of these?

14       A.    Um no.

15       Video Tr. June 21, 2024 Ev. Hearing at 12:42:31-12:42:45.

16       Defendant knows that what he has done is wrong and that it violates  
17       the Court's orders. But he does not care that his misconduct is  
18       contemptuous. Indeed, on July 18, 2023, Defendant brazenly told [REDACTED]  
19       to "shove the behavior order...up your criminal co-conspirator Amanda's  
20       botoxed ass." Exhibit 57 at [REDACTED]017505. The prospect of an evidentiary  
21       hearing certainly did not deter Defendant from disparaging [REDACTED] to  
22       [REDACTED] when, on May 4, 2024, just 6 weeks before the beginning of trial,  
23       Defendant told [REDACTED], "mommy lied to the judges and I'm not allowed to  
24       see you again for a while because mommy doesn't let me." Exhibit 50. And  
25       Defendant knew what he was saying was wrong because he told [REDACTED] just  
26  
27  
28

1 60 seconds later, “I could get in trouble for telling you this, I could get in a  
2 lot of trouble because I’m not supposed to tell you this.” *Id.*<sup>1</sup>

3 Enough is enough. The Court must not condone this behavior and  
4 must hold Defendant in contempt.

5 The Court has the evidence to make such a finding and can easily  
6 review the evidence again should it choose to do so. In addition to having  
7 exhibits with the universe of communications between the parties (e.g.,  
8 Exhibit 68, all of the text messages between the parties; Exhibit 57, all of  
9 the Talking Parents messages between the parties through May 21, 2024;  
10 and Exhibit 55, all of the transcripts from the Talking Parents calls  
11 between the parties), the Court admitted exhibits into evidence, each of  
12 which are limited in scope to a particular category of abusive  
13 communication by Defendant (*see* Exhibits 86-133).

14 For example, Exhibit 89 contains the written examples where  
15 Defendant calls Plaintiff a “bitch” no fewer than 32 times. Likewise,  
16 Exhibit 98 contains the written examples of Defendant stating to Plaintiff,  
17 “fuck you,” “fuck off,” “fuck yourself” or a variant thereof, no fewer than 26  
18 times. Exhibit 110 contains the written examples of when Defendant used  
19 the racial slur n\*gger when communicating with Plaintiff no fewer than 8  
20 times. And Exhibit 114 contains the written examples of when Defendant  
21 called Plaintiff a “retard” no fewer than 6 times. Each of these exhibits  
22

1 provides the evidence for the Court to find, beyond a reasonable doubt, that  
2 Defendant willfully violated the Decree and the 9-13-22 Order using a  
3 particular attack against Defendant. Not only are these exhibits much  
4 more approachable than the exhibits containing thousands of pages of  
5 communications between the parties, but they also allow the Court to easily  
6 confirm that Plaintiff's Proposed Judgment accurately counts Defendant's  
7 willful violations of the Court's orders.

8 After presiding over the evidentiary hearing and reviewing the  
9 evidence admitted during the evidentiary hearing, the Court should find,  
10 beyond a reasonable doubt, that Defendant willfully and deliberately  
11 violated this Court's orders 597 times. He should be held in contempt for  
12 each and every one of these 597 violations of the Court's orders.

13 In so doing, Plaintiff respectfully submits that the consequences for  
14 Defendant's misconduct should be serious. Defendant has continued to  
15 violate not only the Decree and the 9-13-22 Order, but has also violated  
16 several other orders entered by the Court. He has failed to retain the  
17 communication coordinator as ordered by the Court on July 15, 2024. And  
18 most recently, Defendant failed to cooperate with Plaintiff to renew  
19 XXXXXX's passport as ordered by the Court on November 25, 2024.

20 During the first hearing after Plaintiff filed her Motion, Judge  
21 Duckworth told the parties, "the purpose for being here inherently is to  
22 have the Court enforce the orders that have been issued.... **[W]ithout**  
23 **enforcing those orders, they become meaningless.**" 11-8-23 Tr. at  
24 28:24-29:3 (emphasis supplied). Defendant, in continuing to violate the  
25 Court's orders, is testing this Court. Defendant is hoping that this Court  
26 will not issue the serious and severe sanctions necessary to compel his  
27 compliance with the Court's orders in the future. Defendant is hoping to  
28



1 escape accountability for his actions. Plaintiff respectfully requests that  
2 the Court not let Defendant get away with his misbehavior.

3 At every turn this Court has protected [REDACTED] and issued orders in  
4 her best interest. Rather than comply with these orders, Defendant ignores  
5 them, to the detriment of the parties, and most importantly, [REDACTED]. And  
6 Defendant is hoping to render this Court's orders meaningless by being  
7 able to avoid any meaningful consequences for his actions. The Court must  
8 not let that happen.

9 ///

10 ///

11 ///

