

1 **FFCL**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 [REDACTED]
Plaintiff,
5
6 vs.
7 [REDACTED]
Defendant.

CASE NO: D-20-[REDACTED]-C
DEPT: J

HEARING DATE:
June 21, 2024 at 9:00 AM and
January 13-14, 2025 at 1:30 PM

8
9 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

10 This matter having come on for an evidentiary hearing on June 21, 2024 and
11 January 13, 2025, continued to January 14, 2025, Plaintiff, [REDACTED]
12 (“Plaintiff/Mom”), appeared in person represented by her attorney, James Jimmerson
13 Esq. of The Jimmerson Law Firm. On June 21, 2024, Defendant, [REDACTED]
14 (“Defendant/Dad”), appeared in person, represented by Fred Page Esq. of the Page
15 Law Firm. On January 13, 2024, Defendant FAILED TO APPEAR, but was
16 represented by his attorney, Timothy Treffinger, Esq. of American Freedom Group.
17 As a result, the matter was continued to January 14, 2025. Defendant FAILED TO
18 APPEAR AGAIN on January 14, 2025, but was represented by his attorney, Timothy
19 Treffinger, Esq, who was present in Court on Mr. [REDACTED] behalf. The Court having
20 heard testimony from the present parties, and, after a review of the pleadings and

1 papers on file herein, after considering and weighing the credibility of the parties,
2 and good cause appearing therefore, the Court issues its Findings of Fact,
3 Conclusions of Law, Orders as set forth herein.

4 **FINDINGS OF FACT**

5 **THE COURT FINDS** that the parties are parents of one minor child: XXXXX

6 XXXXXXXX born June 23, 2019, now age 5.

7
8 **THE COURT FURTHER FINDS** that Nevada continues to be the home state
9 of the minor child, so this Court has exclusive continuing jurisdiction over all matters
10 related to their custody, care, and support pursuant to the UCCJEA.

11 **THE COURT FURTHER FINDS** that the most recent permanent custodial
12 order in this case is the Stipulated Decree of Custody (“Decree”) entered on February
13 6, 2020. Per the Decree, the parties stipulated to share joint legal custody and for
14 Mom to have primary physical custody of XXXXX

15 **THE COURT FURTHER FINDS** that the Decree provided in relevant part:

16 **D. Behavior Order**

17 **IT IS FURTHER HEREBY ORDERED, ADJUDGED,**
18 **AND DECREED** that the parties will follow a Behavior
19 Order.

- 20
1. You shall not engage in any abusive (foul language, name calling, etc.) contact with the other party or children.
 2. “You shall avoid unnecessary contact with the other party’s family, friends, associates, neighbors, co-workers,

1 “significant others”, etc. and you shall not initiate conflicts
2 with them...

3 5. Pursuant to EDCR 5.[5]05, you will NOT
4 communicate, discuss, or provide any information
5 concerning the court issues or proceedings with the minor
6 children...

7 Decree at 12:1-9; 12:16-18.

8 **THE COURT FURTHER FINDS** that on September 13, 2022, the Court
9 entered herein a Parenting Agreement and Order (“Order”) which stated in relevant
10 part:

11 THE PARTIES FURTHER AGREE to continue abiding
12 by the Mutual Behavior Order in their Decree of Custody
13 filed on February 6, 2020... The parties shall not disparage
14 each other or the other party’s family members (living or
15 deceased) or friends... Neither party shall harass the other
16 party or make harassing comments about the other party’s
17 friends or family member to the other parent. The parties
18 should not discuss anything outside of [REDACTED] and their
19 parenting obligations. Parties shall be respectful to each
20 other and communicate in a civil and amicable manner.

Id. at 4:20-21; 4:24-5:5.

The Parenting Agreement further states that:

THE PARTIES FURTHER AGREE that the receiving
parent will pick up from the outside boundary of the other
parents’ home to begin their respective timeshare. *Id.* at
4:12-13.

THE COURT FURTHER FINDS that Plaintiff, [REDACTED] and
Defendant, [REDACTED], were on notice of and aware of the contents of the Decree and
the September 13, 2022 Order. The Decree and September 13, 2022 Order were

1 signed by both parties individually. The Defendant himself signed the Decree under
2 the statement, “*Reviewed and Approved By:*” The Notice of Entry of the Decree was
3 served on Defendant at his address in Louisiana. The Notice of Entry of the
4 September 13, 2022 Order was filed and served to Plaintiff by the Defendant’s
5 attorney at the time, Ashlee Vazquez, Esq., further demonstrating his full awareness
6 of their provisions.

7 **THE COURT FURTHER FINDS** that the parties have a very high conflict
8 co-parenting relationship. As such, many detailed orders have been entered aimed at
9 assisting the parties to better co-parent their minor child, including, but not limited
10 to the Mutual Behavior Order entered in the Decree and reinforced in the Parenting
11 Agreement and Order.

12 **THE COURT FURTHER FINDS** that on October 6, 2023, Defendant filed
13 a *Motion for an Order to Show Cause Regarding Contempt and to Enforce Child*
14 *Custody*. In his *Motion*, Defendant alleged that on Valentine’s Day in 2024 Plaintiff
15 canceled Defendant’s planned visit out of state.

16 **THE COURT FURTHER FINDS** that on October 11, 2023, Plaintiff filed
17 Plaintiff **XXXXX** *Motion for Issuance of Order to Show Cause Why Defendant*
18 **XXXX** *Shall Not Be Held in Contempt, for Attorney’s Fees and Costs and Related*
19 *Relief*. In her *Motion*, Plaintiff outlined numerous instances of Defendant violating
20

1 the parties' Behavior Order. Plaintiff also alleged that Defendant repeatedly violated
2 "Paragraph 2" of the Behavior Order providing that a party will not unnecessarily
3 contact the other party's friends or family members and will not initiate conflicts
4 with them. Plaintiff further alleged that Defendant refused to comply with the
5 provisions of the Parenting Agreement that requires that the parent picking up the
6 minor child be allowed to pass any gate and pick-up occur outside the boundary of
7 the other parent's home.

8 **THE COURT FURTHER FINDS** that at the hearing from November 29,
9 2023, Judge Duckworth informed the parties that they could submit an Order to
10 Show Cause based on the offers related to contempt.

11 **THE COURT FURTHER FINDS** that on January 4, 2024, an Order to Show
12 Cause was issued by Judge Duckworth against Defendant for his violations of the
13 Decree and Parenting Agreement and Order. Defendant did not submit an Order to
14 Show Cause against Plaintiff for the Court to review and enter.

15 **THE COURT FURTHER FINDS** that on January 8, 2024, there was an
16 Administrative Reassignment pursuant to Administrative Order 23-05. On January
17 16, 2024, Defendant filed a Peremptory Challenge of Judge. On January 22, 2024,
18 this case was reassigned from Department F to Department J.
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1 **THE COURT FURTHER FINDS** that in order to find either party in
2 contempt, the other party must prove:

- 3 1. That there is a clear, unambiguous written order;
- 4 2. That the person alleged to be in contempt had notice of the order;
- 5 3. That the party had the ability to comply; and
- 6 4. That the party willfully failed to comply.

7 *See Cunningham v Eighth Judicial District Court*, 729 P.2d 1328 (1986).

8 **THE COURT FURTHER FINDS** that civil contempt is governed by NRS
9 Chapter 22, in particular NRS 22.010, which provides that “[t]he following acts or
10 omissions shall be deemed contempt: . . . 3. Disobedience or resistance to any lawful
11 writ, order, rule or process issued by the court or judge at chambers.” *Id.*

12 **THE COURT FURTHER FINDS** that the penalties for contempt are
13 governed by NRS 22.100, which provides:

14 **NRS 22.100 Penalty for contempt.**

- 15 1. Upon the answer and evidence taken, the court or judge
- 16 or jury, as the case may be, shall determine whether the
- 17 person proceeded against is guilty of the contempt charged.
- 18 2. Except as otherwise provided in NRS 22.110, if a
- 19 person is found guilty of contempt, a fine may be imposed
- 20 on the person not exceeding \$500 or the person may be
- imprisoned not exceeding 25 days, or both.
3. In addition to the penalties provided in subsection 2, if
- a person is found guilty of contempt pursuant to subsection

1 3 of NRS 22.010, the court may require the person to pay to
2 the party seeking to enforce the writ, order, rule or process
3 the reasonable expenses, including, without limitation,
attorney's fees, incurred by the party as a result of the
contempt.

4 *Id.*

5 **THE COURT FURTHER FINDS** that per NRS 22.010(3), disobedience or
6 resistance to any lawful writ, order, rule or process issued by the court or judge at
7 chambers constitutes an act of contempt.

8 **THE COURT FURTHER FINDS** that the burden to prove the contempt
9 always lies with the charging party. The issuance of an order to show cause does not
10 shift the burden of proof from the charging party to the alleged contemnor. *In re*
11 *Battaglia*, 653 F.2d 419, 422 (9th Cir. 1981). Criminal contempt must be proven
12 beyond a reasonable doubt. *Hicks v. Feiock*, 485 U.S. 624, 632 (1988); *Rodriguez v.*
13 *Eighth Judicial District Court*, 120 Nev. 798, 804 (2004).

14 **THE COURT FURTHER FINDS** that Plaintiff requests the Court punish
15 Defendant for his alleged contemptuous acts, therefore, she is making allegations of
16 criminal contempt by the other party and must prove all elements of contempt beyond
17 a reasonable doubt to support her requests.

18 **THE COURT FURTHER FINDS** that Defendant has repeatedly willfully
19 violated the provisions of the Decree and September 13, 2022 Order. Defendant
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1 violated the Behavior Order within the Decree by: repeatedly disparaging and
2 attacking [REDACTED] either directly to [REDACTED], or to [REDACTED] and
3 communicating/discussing the court issues or litigation proceedings with [REDACTED]
4 Defendant violated the September 13, 2022 Order by: (1) repeatedly disparaging and
5 attacking [REDACTED] either directly to [REDACTED] or to [REDACTED] and (2) repeatedly disparaging
6 [REDACTED] family members and friends.

7 Among the hundreds of willful violations of the Decree and the September 13,
8 2022 Order, specific reference is made to Defendant's threat to stab [REDACTED] to death,
9 Defendant's disparagement of [REDACTED] mother while she was in cancer treatment
10 and eventually passing away, as well as the event where Defendant repeatedly called
11 [REDACTED] a Jewish slur directly to the parties' minor child, among other vile, abhorrent
12 misconduct per Plaintiff's pleadings and sworn testimony. The provisions of the
13 Behavior Order in the Decree were put in place precisely to prevent such behavior
14 from occurring.

15 **THE COURT FURTHER FINDS** that Defendant has willfully violated the
16 Decree and the 9-13-22 Order five hundred ninety-seven (597) times as follows:

- 17
18 i. Defendant engaged in abusive contact with Plaintiff and
19 otherwise disparaged Plaintiff, her family members or friends,
20 calling or referring to Plaintiff or another protected person under

1 the Decree and/or September 13, 2022 (Order) as “abusive” no
2 fewer than thirty-nine (39) times. *See* Exhibit 86.

3 ii. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or another protected person under the Decree
6 and/or Order an “albino” no fewer than nine (9) times. *See*
7 Exhibit 87.

8 iii. Defendant engaged in abusive contact with Plaintiff and
9 otherwise disparaged Plaintiff, her family members or friends,
10 calling Plaintiff a “bad mother” or a variant thereof no fewer than
11 five (5) times. *See* Exhibit 88 (calling Plaintiff, “not a good
12 mother,” “garbage mother,” “disgrace of a mother,” and saying
13 “what a wonderful mother you are ... and what a joke of a human
14 being,” and “as long as a violent extortionist is the mother.”)

15 iv. Defendant engaged in abusive contact with Plaintiff and
16 otherwise disparaged Plaintiff, her family members or friends,
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1 calling Plaintiff or another protected person under the Decree
2 and/or Order a “bitch” no fewer than 32 times. *See* Exhibit 89.¹

3 v. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or referring to her or another protected person
6 under the Decree and/or Order as “borderline” no fewer than five
7 (5) times. *See* Exhibit 90.

8 vi. Defendant engaged in abusive contact with Plaintiff and
9 otherwise disparaged Plaintiff, her family members or friends,
10 calling Plaintiff or referring to her or another protected person
11 under the Decree and/or Order by referring to her as “a control
12 freak” no fewer than ten (10) times. *See* Exhibit 91.

13 vii. Defendant engaged in abusive contact with Plaintiff and
14 otherwise disparaged Plaintiff, her family or friends, calling
15 Plaintiff or referring to her or another protected person under the
16 Decree and/or Order a “coward” or “cowardly” no fewer than ten
17 (10) times. *See* Exhibit 92.

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¹ Exhibit 89 contains multiple references where Defendant calls Plaintiff’s mother a bitch prior to the entry of the 9/13/22 Order. Those references are not included in the count of times Defendant calls Plaintiff or another protected person a bitch.

1 viii. Defendant engaged in abusive contact with Plaintiff and
2 otherwise disparaged Plaintiff, her family members or friends,
3 calling Plaintiff “fucking crazy” in front of the minor child on
4 February 4, 2022. *See* Exhibit 49.

5 ix. Defendant engaged in abusive contact with Plaintiff and
6 otherwise disparaged Plaintiff, her family members or friends,
7 calling Plaintiff a “cunt” no fewer than two (2) times. *See* Exhibit
8 93.²

9 x. Defendant engaged in abusive contact with Plaintiff and
10 otherwise disparaged Plaintiff, her family members or friends,
11 calling Plaintiff or referring to her or another protected person
12 under the Decree and/or Order as delusional no fewer than
13 eighteen (18) times. *See* Exhibit 94.

14 xi. Defendant engaged in abusive contact with Plaintiff and
15 otherwise disparaged Plaintiff, her family members or friends,
16 calling Plaintiff or referring to her or another protected person
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19 ² Exhibit 93 contains a reference where Defendant calls Plaintiff’s mother a cunt prior to the entry of
20 the 9/13/22 Order. That reference is not included in the count of times Defendant calls Plaintiff a cunt,
 despite that calling Plaintiff’s mother a cunt to Plaintiff could otherwise be deemed abusive contact
 with Plaintiff under the Decree.

1 under the Decree and/or Order as a disgrace, disgraced, or
2 disgraceful no fewer than four (4) times. *See* Exhibit 95.³

3 xii. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or referring to her or another protected person
6 under the Decree and/or Order as “disgusting” no fewer than
7 eighteen (18) times. *See* Exhibits 96; 38. The Court makes
8 specific reference to Defendant leaving the minor child
9 voicemails calling Plaintiff “a disgusting excuse of a co-parent”
10 and “a disgusting person.” *Id.*

11 xiii. Defendant engaged in abusive contact with Plaintiff and
12 otherwise disparaged Plaintiff, her family members or friends,
13 calling Plaintiff or referring to her or another protected person
14 under the Decree and/or Order as “an extortionist” no fewer than
15 five (5) times. *See* Exhibits 6; 105; 114; 116.

16 xiv. Defendant engaged in abusive contact with Plaintiff and
17 otherwise disparaged Plaintiff, her family members or friends,
18 calling Plaintiff or referring to her or another protected person
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20 ³ The Court does not include Defendant’s statement to Plaintiff, “you’re a disgrace of a mother” as the Court deems that to be one violation, which is referred to and included above.

1 under the Decree and/or Order as “fat” no fewer than eleven (11)
2 times. *See* Exhibit 97.

3 xv. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 saying to Plaintiff “fuck you,” “fuck off,” “fuck yourself” or a
6 variant thereof no fewer than twenty-six (26) times. *See* Exhibit
7 98.

8 xvi. Defendant engaged in abusive contact with Plaintiff and
9 otherwise disparaged Plaintiff, her family members or friends,
10 saying to Plaintiff “go to hell” no fewer than twenty-two (22)
11 times. *See* Exhibit 99; 115.

12 xvii. Defendant engaged in abusive contact with Plaintiff and
13 otherwise disparaged Plaintiff, her family members or friends,
14 calling Plaintiff or referring to her or another protected person
15 under the Decree and/or Order as a “halfwit” no fewer than seven
16 (7) times. *See* Exhibits 100; 46; 47.

17 xviii. Defendant engaged in abusive contact with Plaintiff and
18 otherwise disparaged Plaintiff, her family members or friends,
19 calling Plaintiff or referring to her or another protected person
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1 under the Decree and/or Order as an “idiot,” “stupid,” or variant
2 thereof no fewer than forty-four (44) times. *See* Exhibit 101.

3 xix. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or referring to her or another protected person
6 under the Decree and/or Order as “insane” no fewer than thirty-
7 one (31) times. *See* Exhibit 102.

8 xx. Defendant engaged in abusive contact with Plaintiff and
9 otherwise disparaged Plaintiff, her family members or friends,
10 calling Plaintiff or referring to her or another protected person
11 under the Decree and/or Order as “insufferable” no fewer than
12 sixteen (16) times. *See* Exhibit 103.

13 xxi. Defendant engaged in abusive contact with Plaintiff and
14 otherwise disparaged Plaintiff, her family members or friends,
15 calling Plaintiff or referring to her or another protected person
16 under the Decree and/or Order as the Jewish slur “k*ke” no fewer
17 than twenty-two (22) times. *See* Exhibit 104; 6; 49; 35; 39. The
18 Court makes specific reference to an event on February 4, 2022
19 where Defendant called Plaintiff a “k*ke” several times in front
20 of the minor child, including, stating directly to the child, “I’ll

1 stop for you [REDACTED] but your mother is a fucking k*ke!" Exhibit

2 6. During this event, Defendant stated directly into the camera,
3 *"Hey Judge, I called her a fucking k*ke because she tried to extort*
4 *me and make me homeless. You're god damn right I would call*
5 *someone a k*ke for doing that. Take away my fucking rights*
6 *please. I will pay you \$100,000.00 to take away my fucking*
7 *rights."* Exhibit 49. Also, during this event, Defendant stated to
8 the parties' minor child, "Baba [Defendant] is leaving, Baba's not
9 coming back because he hates your mother." Exhibit 6.

10 xxii. Defendant engaged in abusive contact with Plaintiff and
11 otherwise disparaged Plaintiff, her family members or friends,
12 calling Plaintiff or referring to her or another protected person
13 under the Decree and/or Order as "manic" or variant thereof no
14 fewer than twenty-nine (29) times. *See* Exhibit 105.

15 xxiii. Defendant engaged in abusive contact with Plaintiff and
16 otherwise disparaged Plaintiff, her family members or friends,
17 calling Plaintiff or referring to her or another protected person
18 under the Decree and/or Order as "mentally ill," "sicko" or
19 variant thereof no fewer than ten (10) times. *See* Exhibit 106.
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xxiv. Defendant engaged in abusive contact with Plaintiff and otherwise disparaged Plaintiff, her family members or friends, calling Plaintiff or referring to her or another protected person under the Decree and/or Order as a “monster” no fewer than three (3) times. *See* Exhibit 107.

xxv. Defendant engaged in abusive contact with Plaintiff and otherwise disparaged Plaintiff, her family members or friends, calling Plaintiff or referring to her or another protected person under the Decree and/or Order as a “moron” no fewer than two (2) times. *See* Exhibit 108.⁴

xxvi. Defendant engaged in abusive contact with Plaintiff and otherwise disparaged Plaintiff, her family members or friends, calling Plaintiff or referring to her or another protected person under the Decree and/or Order as a “narcopath” no fewer than seven (7) times. *See* Exhibit 109.

xxvii. Defendant engaged in abusive contact with Plaintiff and otherwise disparaged Plaintiff, her family members or friends,

⁴ Exhibit 108 contains a reference where Defendant calls Plaintiff’s former lawyer and high school friend a moron prior to the entry of the 9/13/22 Order. That reference is not included in the count of times Defendant calls Plaintiff a moron.

1 using the racial slur “n*gger” when communicating with Plaintiff
2 no fewer than eight (8) times. *See* Exhibit 110.

3 xxviii. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or referring to her or another protected person
6 under the Decree and/or Order as a “nutcase” no fewer than two
7 (2) times. *See* Exhibit 111.

8 xxix. Defendant engaged in abusive contact with Plaintiff and
9 otherwise disparaged Plaintiff, her family members or friends,
10 calling Plaintiff or referring to her or another protected person
11 under the Decree and/or Order as “petty” at least one time. *See*
12 Exhibit 112.

13 xxx. Defendant engaged in abusive contact with Plaintiff and
14 otherwise disparaged Plaintiff, her family members or friends,
15 calling Plaintiff or referring to her or another protected person
16 under the Decree and/or Order as a “psycho,” “psychopath,” or
17 variant thereof no fewer than fifteen (15) times. *See* Exhibit 113.

18 xxxi. Defendant engaged in abusive contact with Plaintiff and
19 otherwise disparaged Plaintiff, her family members or friends,
20 calling Plaintiff or referring to her or another protected person

1 under the Decree and/or Order as a “retard” or a variant thereof
2 no fewer than six (6) times. *See* Exhibit 114.

3 xxxii. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 telling Plaintiff “Screw you” no fewer than five (5) times. *See*
6 Exhibit 115.

7 xxxiii. Defendant engaged in abusive contact with Plaintiff and
8 otherwise disparaged Plaintiff, her family members or friends,
9 calling Plaintiff or referring to her or another protected person
10 under the Decree and/or Order as “scum” no fewer than three (3)
11 times. *See* Exhibit 116.

12 xxxiv. Defendant engaged in abusive contact with Plaintiff and
13 otherwise disparaged Plaintiff, her family members or friends,
14 calling Plaintiff or referring to her or another protected person
15 under the Decree and/or Order as “spawn” or variant thereof no
16 fewer than five (5) times. *See* Exhibit 117.

17 xxxv. Defendant engaged in abusive contact with Plaintiff and
18 otherwise disparaged Plaintiff, her family members or friends,
19 calling Plaintiff or referring to her or another protected person
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1 under the Decree and/or Order as “spiteful” no fewer than thirty-
2 eight (38) times. *See* Exhibit 118.⁵

3 xxxvi. Defendant engaged in abusive contact with Plaintiff and
4 otherwise disparaged Plaintiff, her family members or friends,
5 calling Plaintiff or referring to her or another protected person
6 under the Decree and/or Order as “trash,” “garbage,” or a variant
7 thereof no fewer than seventeen (17) times. *See* Exhibit 119.⁶
8 The Court makes specific reference to Defendant leaving the
9 minor child a voicemail calling Plaintiff “white trash.” *Id.*

10 xxxvii. Defendant engaged in abusive contact with Plaintiff and
11 otherwise disparaged Plaintiff, her family members or friends,
12 calling Plaintiff or referring to her or another protected person
13 under the Decree and/or Order as a “witch” no fewer than five (5)
14 times. *See* Exhibit 120.

15 xxxviii. Defendant engaged in abusive contact with Plaintiff and
16 otherwise disparaged Plaintiff, her family members or friends,
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19 ⁵ Exhibit 118 contains a reference where Defendant calls Plaintiff’s mother spiteful prior to the entry
of the 9/13/22 Order. That reference is not included in the count of times Defendant calls Plaintiff or
another protected person spiteful, despite that one could find saying “your mother is a hateful spiteful
bitch” to be abusive contact.

20 ⁶ The Court does not include Defendant’s statement to Plaintiff, “you’re a garbage mother” as the Court
deems that to be one violation, which is referred to and included above.

1 calling Plaintiff or referring to her or another protected person
2 under the Decree and/or Order as “worthless” or a variant thereof
3 no fewer than nine (9) times. *See* Exhibit 121.⁷

4 xxxix. Defendant engaged in abusive contact with Plaintiff and
5 otherwise disparaged Plaintiff, her family members or friends,
6 calling Plaintiff or referring to her or another protected person
7 under the Decree and/or Order as a “clown” or a variant thereof
8 no fewer than two (2) times. *See* Exhibit 122.

9 xl. Defendant engaged in abusive contact with Plaintiff and
10 otherwise disparaged Plaintiff, her family members or friends,
11 making light of or celebrating that Plaintiff has the health
12 condition colitis no fewer than five (5) times. *See* Exhibit 123.
13 The Court makes specific reference to Defendant’s July 19, 2023
14 statement, “Colitis is a wonderful thing. You can keep [redacted] to
15 yourself all you want for now. Statistically speaking... I’ll have
16 her for the majority of her life.” *Id.*

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19 ⁷ Exhibit 121 contains a reference where Defendant calls Plaintiff’s mother worthless prior to the entry
20 of the 9/13/22 Order. That reference is not included in the count of times Defendant calls Plaintiff or
another protected person spiteful, despite that one could find saying “if your worthless mother hadn’t
been so abusive and idiotic about her name for weeks that would’ve never happened” to be abusive
contact.

1 xli. Defendant engaged in abusive contact with Plaintiff and
2 otherwise disparaged Plaintiff, her family members or friends,
3 calling Plaintiff or referring to her or another protected person
4 under the Decree and/or Order as a “hag,” “cow” or a variant
5 thereof no fewer than eight (8) times. *See* Exhibit 124.

6 xlii. Defendant engaged in abusive contact with Plaintiff and
7 otherwise disparaged Plaintiff, her family members or friends,
8 calling Plaintiff or referring to her or another protected person
9 under the Decree and/or Order as a “human trafficker” or a variant
10 thereof no fewer than two (2) times. *See* Exhibit 125.

11 xliii. Defendant engaged in abusive contact with Plaintiff and
12 otherwise disparaged Plaintiff, her family members or friends,
13 calling Plaintiff or referring to her or another protected person
14 under the Decree and/or Order as a “lunatic” or a variant thereof
15 no fewer than twenty-seven (27) times. *See* Exhibit 126. The
16 Court makes specific reference to Defendant’s statement to
17 Plaintiff on July 21, 2023, “Hateful bitch just like your dead
18 lunatic mother.”

19 xliv. Defendant engaged in abusive contact with Plaintiff and
20 otherwise disparaged Plaintiff, her family members or friends,

1 calling Plaintiff or referring to her or another protected person
2 under the Decree and/or Order as a “maniac” or a variant thereof
3 no fewer than four (4) times. *See* Exhibit 127.

4 xlv. Defendant engaged in abusive contact with Plaintiff and
5 otherwise disparaged Plaintiff, her family members or friends,
6 calling Plaintiff or referring to her or another protected person
7 under the Decree and/or Order as “manipulative” or a variant
8 thereof no fewer than ten (10) times. *See* Exhibit 128.

9 xlv. Defendant engaged in abusive contact with Plaintiff and
10 otherwise disparaged Plaintiff, her family members or friends,
11 calling Plaintiff or referring to her or another protected person
12 under the Decree and/or Order as a “narcissist” or a variant
13 thereof no fewer than twelve (12) times. *See* Exhibit 129.

14 xlvii. Defendant engaged in abusive contact with Plaintiff and
15 otherwise disparaged Plaintiff, her family members or friends,
16 calling Plaintiff or referring to her or another protected person
17 under the Decree and/or Order as “pathetic” or a variant thereof
18 no fewer than three (3) times. *See* Exhibit 130.

19 xlviii. Defendant engaged in abusive contact with Plaintiff and
20 otherwise disparaged Plaintiff, her family members or friends,

1 calling Plaintiff or referring to her or another protected person
2 under the Decree and/or Order as a “plague” or a variant thereof
3 no fewer than five (5) times. *See* Exhibit 131.

4 xlix. Defendant engaged in abusive contact with Plaintiff and
5 otherwise disparaged Plaintiff, her family members or friends,
6 telling Plaintiff or referring to another protected person, saying,
7 “to hell with you” or a variant thereof no fewer than six (6) times.
8 *See* Exhibit 132.

9 l. Defendant engaged in abusive contact with Plaintiff and
10 otherwise disparaged Plaintiff, her family members or friends,
11 telling Plaintiff that she is a “filthy human being” on October 20,
12 2021. *See* Exhibit 133.

13 li. Defendant engaged in abusive contact with Plaintiff and
14 otherwise disparaged Plaintiff, her family members or friends,
15 telling Plaintiff, “shut your stupid whore mouth” on October 1,
16 2023. *See* Exhibit 41.

17 lii. Defendant engaged in abusive contact with Plaintiff and
18 otherwise disparaged Plaintiff, her family members or friends,
19 telling Plaintiff (in reference to her mother), “My 2 regrets are
20

1 that she died so slowly and that she can't die twice." on January
2 30, 2023. See Exhibit 57 at XXXXX017607.

3 liii. Defendant engaged in abusive contact with Plaintiff and the
4 minor child and otherwise disparaged Plaintiff, her family
5 members or friends, no fewer than six (6) times when he said to
6 XXXXX "Your mother's a liar," "Mama's a liar," and "Mama lies
7 a lot about Baba [XXXX's nickname for Defendant]." See Exhibit
8 55 at XXXXX014725, 15194, 15281; Exhibit 58; Exhibit 50. The
9 Court specifically references Defendant's statements to XXXX
10 wherein Defendant stated that Plaintiff was "lying;" "mommy
11 lied to the judges and I'm not allowed to see you again for a while
12 because mommy doesn't let me;" and "your mommy lies to the
13 judges and stuff," made just weeks before the first day of the
14 evidentiary hearing in this matter. See Exhibits 50; 58.⁸

15 liv. Defendant engaged in abusive contact with Plaintiff when he
16 threatened to kill her on May 15, 2020. See Exhibit 48.
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19 ⁸ Defendant's discussion of Court proceedings as reflected in Exhibit 58 would constitute another
20 violation of the Decree (paragraph 5 of the Behavior Order section), but for the purposes of counting
the number of contempt findings, one violation of one part of the Decree remains only one finding of
contempt if the same conduct violates another part of the Decree.

1 lv. Defendant engaged in abusive contact with Plaintiff when he
2 stated to [REDACTED] on March 29, 2021, “let me know where your
3 hateful mom’s grave i[s] so that I can fertilize it regularly for the
4 flowers.” *See* Exhibit 68 at DEF 16.205-001593.

5 **THE COURT FURTHER FINDS** that on June 21, 2024, Defendant testified
6 that he committed the acts alleged against him in the Motion, testifying as follows:

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

9 A. Yes.

9 Q. And are you denying any of these?

10 A. Um no.

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

11
12 **THE COURT FURTHER FINDS** beyond a reasonable doubt that, in
13 addition to the above enumerated violations of the Decree and the Parenting
14 Agreement and Order, Defendant has repeatedly and continuously violated the
15 Parenting Agreement and Order by failing and refusing to communicate to Plaintiff
16 in a civil and amicable manner.

17 **THE COURT FURTHER FINDS** that Defendant argues through his counsel
18 that both parties consistently communicate with each other in an uncivil and
19 unamicable matter. In the past, Counsels for both parties claimed they would not be
20 speaking directly any further without attorneys present.

1 **THE COURT FURTHER FINDS** that Defendant argues and requests that
2 based upon the totality of the circumstances, he should not be held in contempt due
3 to the contentious nature of the parties' relationship, and the provoking nature of the
4 Plaintiff's conduct in instigating several of these instances of contempt allegations.
5 The Court disagrees with Defendant's position. Had he appeared for the evidentiary
6 hearing, he could have provided relevant testimony or other evidence to support his
7 argument. Yet, he failed to appear and participate in the proceedings. Therefore, the
8 Court cannot make the findings necessary to support Defendant's arguments.

9 **THE COURT FURTHER FINDS** that based on the totality of the evidence,
10 that the Court finds Defendant guilty of 597 counts of contempt for violating the
11 Court's Orders 597 times. The Court further finds that, beyond a reasonable doubt,
12 the Defendant's conduct has been willful and intentional in violating these Orders
13 597 times.

14 **THE COURT FURTHER FINDS** that Defendant continues to violate the
15 Court's orders in addition to the Decree and the Parenting Agreement and Order.
16 Defendant is in violation of the Stipulation and Order Concerning Communication
17 Coordinator entered on July 15, 2024, as he has not retained the communication
18 coordinator as required by that order. Defendant is in violation of this Court's
19 November 25, 2024 Order as he has failed to cooperate with Plaintiff to complete
20

1 and submit passport renewal papers for the minor child, and has failed to make the
2 required payments to Plaintiff. Defendant has failed to comply with the February 27,
3 2024 Order Granting Plaintiff [REDACTED] Motion to Enforce Stipulation and
4 Issue Order Establishing Procedures on Defendant's Mental Health Treatment and
5 Restrictions on Defendant's Activities While Exercising Visitation with the Minor
6 Child in Light of Defendant's Use of Drugs/Medication as he has not completed the
7 requisite three (3) months of Medmatch drug testing.

8 **THE COURT FURTHER FINDS** that based on Defendant's ongoing failure
9 to comply with this Court's orders, including, but not limited to, the Decree, the
10 September 13, 2022 Order, and the Stipulation and Order Concerning
11 Communication Coordinator entered on July 15, 2024, Defendant has demonstrated
12 that without significant consequences, he will continue to violate court orders.

13 **THE COURT FURTHER FINDS** that Defendant [REDACTED] voluntarily did not
14 appear before the Court on January 13, 2025 or on January 14, 2025, for the
15 continuation of the evidentiary hearing on the January 4, 2024 Order to Show Cause.

16 **THE COURT FURTHER FINDS** that Counsel Treffinger for Defendant,
17 represented to the Court that Defendant was made aware of the date, time, and
18 location of the continuation of the evidentiary hearing. On both January 13 and 14,
19 2025, counsel for Defendant represented to the Court that he is unaware of
20

1 Defendant's whereabouts. Defendant's Counsel represented to the Court that he and
2 his staff had attempted to contact Defendant and Defendant's family members, but
3 his efforts were unsuccessful at ascertaining Defendant's whereabouts or a reason or
4 explanation for Defendant's absence from Court.

5 **THE COURT FURTHER FINDS** that it has not received any
6 communication from Defendant concerning his whereabouts on January 13 or
7 January 14, 2025.

8 **THE COURT FURTHER FINDS** that limited evidence was presented that
9 Defendant had left the jurisdiction in December 2024 and no evidence had been
10 presented that showed that he had returned to the jurisdiction on or before January
11 13, 2025.

12 **THE COURT FURTHER FINDS** that evidence was presented that showed
13 that on January 6, 2025, Defendant had withdrawn consent from the recording
14 function on the Talking Parents application, thereby disabling the communication
15 functionality of the application, and that since January 6, 2025, Defendant had not
16 given his consent to the recording function on the Talking Parents application. As a
17 result, Defendant has made himself unreachable to the subject minor, and otherwise
18 has prevented his daughter from calling or communicating with him since January 6,
19 2025.
20

1 **THE COURT FURTHER FINDS** that NRS 178.388(2)(a) states, “In
2 prosecutions for offenses not punishable by death... (a) The defendant’s voluntary
3 absence after the trial has been commenced in the defendant’s presence must not
4 prevent continuing the trial to and including the return of the verdict.” Id.

5 **THE COURT FURTHER FINDS** that based upon the statements and
6 representations made by counsel for Defendant, and in considering the EDCR 7.27
7 Trial Memorandum, including the exhibits thereto submitted by Plaintiff, that
8 Defendant was voluntarily absent from the evidentiary hearing on January 13, 2025
9 and January 14, 2025, the Court continued with the evidentiary hearing on January
10 14, 2025.

11 **THE COURT FURTHER FINDS** that that pursuant to NRS 22.100(3), the
12 Plaintiff is entitled to her attorney’s fees and costs incurred by the Defendant’s
13 contemptible actions, including, but not limited to, the preparation of her Motion for
14 an Order to Show Cause, any and all supplements and papers related thereto, the
15 discovery conducted in preparation for the evidentiary hearing, and the preparation
16 and attendance at all hearings concerning the Motion for an Order to Show Cause,
17 including, but not limited to, the evidentiary hearing on June 21, 2024, and January
18 13-14, 2025.

1 **THE COURT FURTHER FINDS** that pursuant to EDCR 7.60 Plaintiff is
2 entitled to an award of attorney's fees and costs. EDCR 7.60 states as follows:

3 **Rule 7.60. Sanctions.**

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

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

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

16 (3) Dismissal of the complaint, crossclaim,
17 counterclaim, or motion or the striking of the answer and
18 entry of judgment by default, or the granting of the motion.

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

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

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

 (2) Fails to prepare for a presentation.

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

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

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

4 *Id.* (emphasis supplied).

5 **THE COURT FURTHER FINDS** that pursuant to EDCR 7.60, Plaintiff is
6 entitled to an award of attorney's fees and costs she incurred for: (1) Defendant's
7 frivolous filings necessitating an order to restrict him from filing papers in proper
8 person; (2) Defendant's voluntary absence from Court on January 13 and 14, 2025;
9 (3) Defendant's refusal to comply with other court orders (e.g., the refusal to make
10 the required payments under the parties' Decree of Custody, necessitating the filing
11 of Plaintiff's Motion to Enforce the Parties' Decree of Custody; to Reduce to
12 Judgment the Outstanding Amounts Defendant Owes to Plaintiff Under the Decree;
13 to Compel his Cooperation in Applying for a Passport for the Minor Child; and for
14 an Award of Attorney's Fees and Costs (the "Arrears and Passport Motion")); and
15 (4) Plaintiff's having to file her Motion to Compel Defendant to Undergo Immediate
16 Drug Testing, For Attorney's Fees and Costs, and Related Relief Motion (the "Drug
17 Testing Motion").

18 **THE COURT FURTHER FINDS** that the Court must evaluate the requested
19 attorney's fee award under the following *Brunzell* factors:

20 (1) the qualities of the advocate: his ability, his training, education,
experience, professional standing and skill; (2) the character of the work

1 to be done: its difficulty, its intricacy, its importance, time and skill
2 required, the responsibility imposed and the prominence and character of
3 the parties where they affect the importance of the litigation; (3) the work
4 actually performed by the lawyer: the skill, time and attention given to
5 the work; (4) the result: whether the attorney was successful and what
6 benefits were derived.

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

8 **THE COURT FURTHER FINDS** that the *Brunzell* factors support the
9 attorney's fees awarded herein.

10 **THE COURT FURTHER FINDS** that in considering the factor, the qualities
11 of the advocate, Plaintiff's counsel is well qualified and well regarded in the field of
12 domestic relations law and that the hourly rates for Plaintiff's counsel are appropriate
13 and reasonable in light of the rates charged for similar legal services in Clark County,
14 Nevada. The attorney's fees awarded herein are supported by Plaintiff's counsel's
15 qualifications.

16 **THE COURT FURTHER FINDS** that in considering the factor, the
17 character of the work to be done, the work required to be performed in this matter
18 was substantial. Plaintiff sought to have the Court hold Defendant in contempt and
19 issue, among other things, an order potentially resulting in a sentence of
20 incarceration. As such, the importance and urgency of the matter required Plaintiff's
counsel to spend significant time drafting the written motion for an order to show
cause and other papers associated with that motion, conducting substantial discovery,

1 including, but not limited to, written discovery between the parties, third-party
2 discovery, and deposition discovery, preparing for and arguing before the Court in
3 multiple hearings, including a multi-day evidentiary hearing, and to ultimately
4 prepare a memorandum of fees and costs as well as draft this Order. The character
5 of the work to be done in this matter supports the attorney's fees awarded herein.

6 **THE COURT FURTHER FINDS** that, in considering the factor, the work
7 actually performed by the lawyer, the work actually performed by Plaintiff's counsel
8 was significant. Plaintiff's counsel's billing statements reflects that substantial time
9 was spent on this case. Plaintiff's counsel's written work product, the results of
10 discovery, as well as the presentation in Court, including at trial, were clearly the
11 result of significant time and effort and the attorney's fees awarded herein are
12 warranted by the time and effort spent by Plaintiff's counsel.

13 **THE COURT FURTHER FINDS** that, in considering the factor, the result
14 of this dispute supports the attorney's fee award issued by this Court. Plaintiff
15 prevailed on the substantive issues in dispute, whether Defendant willfully violated
16 the Decree and/or Order, whether Defendant was frivolously and unreasonably filing
17 papers with the Court, whether Defendant unreasonably multiplied the proceedings
18 by failing to pay the amounts owed under the Decree and failing to cooperate with
19 Plaintiff to renew the minor child's passport, whether Defendant unreasonably forced
20

1 Plaintiff to have to file the Drug Testing Motion, and, therefore, she was the
2 prevailing party in this matter.

3 **THE COURT FURTHER FINDS** that in addition to considering these
4 factors, the Court should also consider the disparity in income between the parties.
5 *See Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071, 1073 (1998) (“The disparity
6 in income is also a factor to be considered in the award of attorney fees.”). As detailed
7 in Plaintiff’s Financial Disclosure Form and supporting documents filed on October
8 3, 2024, Plaintiff’s gross monthly income is \$8,982.48 per month. Defendant’s gross
9 monthly income is substantially more than Plaintiff’s. Defendant, per his Financial
10 Disclosure Form filed on December 6, 2023, claims that his gross monthly income is
11 \$3,249.00. However, the evidence admitted at trial demonstrates that Defendant’s
12 Financial Disclosure Form is fabricated. Exhibits 69 through 72 are Defendant’s
13 bank and credit card statements for the fourteen-month period between December
14 2022 and January 2024. During that fourteen-month period, Defendant spent
15 \$176,670.43 from his Bank of America checking account;⁹ he spent \$21,770.04 from
16 his Bank of America savings account;¹⁰ and \$10,223.35 from his Bank of America
17 credit card. *See* 69, 70, 71, and 72. In total, during this fourteen-month period,
18

19 _____
20 ⁹ This amount does not include the \$51,000.00 Defendant transferred to his savings account on December 5, 2022.

¹⁰ This amount does not include the transfers Defendant made to his checking account.

1 Defendant spent \$208,663.82. *Id.* The monthly average of his spending was
2 \$14,904.56 per month—over 400% more than what he claimed his gross monthly
3 income is in his Financial Disclosure Form. Additionally, these amounts do not
4 include the \$55,000-\$60,000 income Defendant received from an August 17, 2023
5 land sale. *See* admitted trial exhibit 31. Based on this evidence, the Court finds that
6 Defendant’s gross monthly income is \$14,904.56 per month, well above Plaintiff’s
7 gross monthly income. Furthermore, Defendant represented at previous hearings that
8 he has unlimited resources, and is supported financially by his family, having access
9 to large sums of money.

10 **THE COURT FURTHER FINDS** that pursuant to NRS 22.110 and EDCR
11 7.60, Plaintiff should be awarded her reasonable attorney’s fees in connection with
12 the contempt proceeding in the amount of \$185,278.50.¹¹ Plaintiff should be awarded
13 her costs in the amount of \$20,000.00. The combined amount of fees and costs total
14 \$205,278.50, which will herein be referred to as the “Purge Amount.”

15 **THE COURT FURTHER FINDS** that pursuant to EDCR 7.60, Plaintiff
16 should be awarded her reasonable attorney’s fees incurred in connection with her
17 Arrears and Passport Motion in an amount of \$5,730.00. Pursuant to EDCR 7.60,
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19
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¹¹ As detailed in Plaintiff’s Verified Memorandum of Fees and Costs, this amount also covers any award
of attorney’s fees for the Vexatious Litigant Motion and Defendant’s Voluntary Failure to Appear.

1 Plaintiff should be awarded her reasonable attorney's fees incurred in connection
2 with her Drug Testing Motion in an amount of \$19,629.00. These awards of
3 attorney's fees are in addition to the Purge Amount.

4 If any above findings of fact are better cast as conclusions of law, they shall
5 be so construed.

6 **THE COURT CONCLUDES** that Defendant had actual notice of the Court's
7 February 6, 2020 Decree within days of its entry on February 6, 2020.

8 **THE COURT FURTHER CONCLUDES** that Defendant had actual notice
9 of the Court's September 13, 2022 Order as of September 14, 2022 with the filing
10 and service of the Notice of Entry of Order by Defendant's then-counsel Ashlee
11 Vasquez.

12 **THE COURT FURTHER CONCLUDES** that each of Defendant's acts of
13 abusive communication with Plaintiff is deemed a separate act of contempt, for which
14 there are five hundred ninety seven (597) acts of contempt.

15 **THE COURT FURTHER CONCLUDES** beyond a reasonable doubt that
16 the Defendant [REDACTED] is guilty of five hundred ninety seven (597) acts of contempt
17 for his intentional violations of the Court's February 6, 2020 Decree and the Court's
18 September 13, 2022 Order.
19
20

1 If any above conclusions of law are better cast as findings of fact, they shall
2 be so construed.

3 Based upon the foregoing:

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
5 Defendant [REDACTED] is found guilty, beyond a reasonable doubt, of five hundred
6 ninety-seven (597) separate acts of contempt.

7 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that pursuant
8 to NRS 22.100(2), Defendant, [REDACTED] shall pay Plaintiff, [REDACTED] up to \$500
9 per act of contempt, a **total of \$200,000.00**, noting that some actions were far more
10 egregious than others. Additionally, Defendant is sentenced to one hundred eighty
11 (180) days of jail for his acts of contempt; the jail time shall be suspended at this time
12 and may be imposed if Defendant continues his contemptuous behaviors in violation
13 of clear court orders.

14 **IT IS FURTHER ORDERED** that the sentence be stayed pending further
15 order of the Court.

16 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that based
17 upon the denial of the Motion to designate [REDACTED] as a vexatious litigant, an award of
18 attorney's fees is not appropriate as the movant is not the prevailing party; both
19
20

1 parties prevailed on some issues there and should each bear the cost of attorney's fees
2 and costs.

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that after
4 considering the papers and pleadings on file, the parties' financial disclosure forms,
5 the disparity of income between the parties, Memorandum of Attorney's Fees and
6 Costs (and the Appendix of Exhibits thereto) the declaration supplied by Plaintiff's
7 counsel, and the *Brunzell* factors, Plaintiff is awarded and Defendant shall pay her
8 \$205,278.50 (the "Purge Amount") for her reasonable attorney's fees and costs
9 incurred in connection with the contempt proceedings. This Purge Amount includes
10 an award for Plaintiff's costs and expenses incurred for the Talking Parents
11 Application since October 2023 and visitation supervisor charges from 2024. As part
12 of this Judgment, Defendant shall be responsible for paying, now and in the future,
13 the full cost for Talking Parents application (currently \$27.00 per month for each
14 parent) and any and all visitation supervisor expenses in the future.

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that after
16 considering the papers and pleadings on file, the parties' financial disclosure forms,
17 the disparity of income between the parties, Memorandum of Attorney's Fees and
18 Costs (and the Appendix of Exhibits thereto) the declaration supplied by Plaintiff's
19 counsel, and the *Brunzell* factors, Plaintiff is awarded and Defendant shall pay her
20

1 \$5,730.00 for her reasonable attorney's fees incurred in connection with Plaintiff's
2 Motion to Enforce the Parties' Decree of Custody; to Reduce to Judgment the
3 Outstanding Amounts Defendant [REDACTED] Owes to Plaintiff Under the Decree; to
4 Compel his Cooperation in Applying for a Passport for the Minor Child; and for an
5 Award of Attorney's Fees and Costs.

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that after
7 considering the papers and pleadings on file, the parties' financial disclosure forms,
8 the disparity of income between the parties, Memorandum of Attorney's Fees and
9 Costs (and the Appendix of Exhibits thereto) the declaration supplied by Plaintiff's
10 counsel, and the *Brunzell* factors, Plaintiff is awarded and Defendant shall pay her
11 \$19,629.00 for her reasonable attorney's fees incurred in connection with Plaintiff's
12 Motion to Compel Defendant [REDACTED] to Undergo Immediate Drug Testing, For
13 Attorney's Fees and Costs, and Related Relief Motion.

14 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
15 Defendant may purge his contempt sanction, and immediately be released from the
16 consequences thereof by paying to Plaintiff the Purge Amount. Partial payment of
17 the Purge Amount will not purge the contempt.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
19 Defendant shall now and in the future fully comply with the terms of the Behavior
20

1 Order within the February 6, 2020 Decree of Custody and the following terms of the
2 September 13, 2022 Order:

3 The parties further agree to continue abiding by the Mutual
4 Behavior Order in their Decree of Custody filed on
5 February 6, 2020... The parties shall not disparage each
6 other or the other party's family members (living or
7 deceased) or friends... Neither party shall harass the other
8 party or make harassing comments about the other party's
9 friends or family member to the other parent. The parties
10 should not discuss anything outside of [REDACTED] and their
11 parenting obligations. Parties shall be respectful to each
12 other and communicate in a civil and amicable manner.

13 *Id.* at 4:20-21; 4:24-5:5.

14 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that should
15 the Defendant in the future violate Paragraphs 1, 2, or 5 of the Behavior Order within
16 the February 6, 2020 Decree of Custody (*i.e.*, by engaging in abusive
17 communications with Plaintiff, by unnecessarily contacting Plaintiff's family
18 members, or by communicating court issues or proceedings with XXX) or the
19 aforementioned terms of the September 13, 2022 Order (from page 4, lines 20-21 and
20 page 4 line 24 to page 5 line 5 as cited above), or fail to fully comply with the terms
of this Order, then the Court shall revoke the stay of Defendant's jail sentence and
the Court will immediately issue a bench warrant for Defendant's after a hearing and
upon receipt of an *ex parte* application by the Plaintiff.

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
2 Plaintiff shall be awarded her reasonable attorney's fees and costs pursuant to NRS
3 22.100 and EDCR 7.60.

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that counsel
5 for the Plaintiff prepared a *Brunzell* declaration as well as a Memorandum of Fees
6 and Costs, supported by billing statements, and provided these items to Defendant's
7 counsel and the Court by January 24, 2025. Counsel for the Defendant filed a limited
8 Objection to Plaintiff's *Brunzell* declaration and/or Memorandum of Fees and Costs.
9 Defendant requested Plaintiff not be awarded fees for actions where she was not the
10 prevailing party and argues the fees requested are unreasonably high. The Court
11 considered the work done by Plaintiff's Counsel and the results obtained generally.

12 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that due to
13 Defendant's voluntary absence from Court on January 13, 2025 and January 14,
14 2025, the issue of his voluntary absence from Court must be first addressed and
15 resolved, with any further consequences, sanctions, or other orders resulting
16 therefrom to be issued prior to addressing, considering, or deciding any requests for
17 relief Defendant may have at that time. *See, e.g., Guerin v. Guerin*, 116 Nev. 210,
18 213, 993 P.2d 1256, 1258 (2000); *United States v. Terabelian*, 105 F. 4th 1207 (9th
19 Cir. 2024); *United States v. Besarovic*, No. 2:12-CR-0004-APG-GWF, 2017 WL

6762479, at *2 (D. Nev. Oct. 5, 2017), *report and recommendation adopted*, 2018
WL 272173 (D. Nev. Jan. 2, 2018).¹²

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all
prior Orders, not inconsistent with this Order, SHALL REMAIN IN EFFECT.

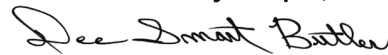
NOTICE IS HEREBY GIVEN that you have an affirmative duty to update any
changes in your personal information by filing a Notice of Change of Address form.

The form can be found at the following link:

[https://www.familylawselfhelpcenter.org/images/forms/misc/address-change-pdf-
fillable.pdf](https://www.familylawselfhelpcenter.org/images/forms/misc/address-change-pdf-fillable.pdf)

SO ORDERED.

Dated this 8th day of April, 2025



**DFB C1B 89D7 9745
Dee Smart Butler
District Court Judge**

¹² In *Besarovic*, the court explained as follows, “Defendant is obviously aware of the criminal charges against him, but refuses to present himself in this jurisdiction to answer to those charges. He, instead, seeks to litigate this matter from afar, while simultaneously ensuring that a judgment against him cannot be enforced. **The Court therefore recommends that Defendant’s motion for partial dismissal be denied based on the fugitive disentitlement doctrine.**” 2017 WL 6762479, at *2 (emphasis supplied).