

1 **A. Respondent Already Has Information Required by the Court's Order.**

2 Ms. [REDACTED] has already given Mr. Falconi all the information that she is required to give by the
3 Court's orders. She has disclosed the website. She has explained the situation with a lack of cards
4 for service. She has outlined the coverage provided by the plan.

5 Even though Ms. [REDACTED] has been the parent to take [REDACTED] to all of his health care
6 appointments, Mr. Falconi has made any health care appointments. All of [REDACTED] healthcare
7 providers already have his mother's policy information on file and Mr. Falconi is not precluded from
8 taking [REDACTED] to the doctor. Through the internet link, Mr. Falconi already has the information
9 as to which hospital to take [REDACTED] to in an emergency. If Mr. Falconi were out of the area and
10 [REDACTED] needed emergency care, Mr. Falconi is required to notify Ms. [REDACTED] as a joint legal
11 custodian. If there were problems with admitting [REDACTED] to the hospital she could provide that
12 information at that time.

13 **B. Respondent Does Not Oppose a No Contact Order With One Exception.**

14 Ms. [REDACTED] does not oppose the Court issuing a No Contact Order between the parties as
15 outlined by the Court. At present the parties are exchanging the Denny's on Wells Avenue. Ms.
16 [REDACTED] would suggest that the parties meet in the entry way of the Denny's restaurant to avoid
17 approaching each other's vehicle.

18 Mr. Falconi has asked the Court to enter an order such that the parties will stay 100 yards
19 away from each other's residence. In the past Mr. Falconi has been late for an exchange of the child.
20 If there is no designee to exchange the child and in order to get her son Ms. [REDACTED] must go to Mr.
21 Falconi's residence with his permission, then Ms. [REDACTED] would ask that this be an exception to the
22 No Contact Order.

23 **C. Respondent's Address Is Not Necessary Information for Petitioner.**

24 The Court is aware that there has been a Temporary Protection Order entered that had required
25 Mr. Falconi to stay away from Ms. [REDACTED] See, Minutes of Extension Hearing dated October 10,
26 2008, attached hereto as Exhibit 4 and incorporated by reference.

27 No where in the Court's orders in this case is there a requirement that the parties provide their
28 addresses to each other. There is a requirement that information, including caregivers' name and

1 phone numbers are provided to each party. See, Order After Hearing dated April 20, 2009 attached
2 hereto as Exhibit 5 and incorporated herein by reference.

3 Both parties have cell phones and email which they utilize to communicate with one another.
4 Ms. [REDACTED] has provided Mr. Falconi with a mailing address. Mr. Falconi has worn body armor and
5 has carried a gun when he has met with Ms. [REDACTED] to exchange [REDACTED] At the last hearing the
6 Court address Mr. Falconi telling him that carrying a firearm into Wendy's on his hip indicates that
7 he doesn't have mature attitude toward firearms. The Court suggested that he speak with someone
8 in his volunteer program regarding what is reasonable about carrying a firearm. Despite this, Mr.
9 Falconi continues to carry a weapon and wear body armor. This is very frightening and threatening
10 for Ms. [REDACTED] Based upon this conduct, requiring Ms. [REDACTED] to disclose her address to Mr. Falconi
11 is not a reasonable course of action. Ms. [REDACTED] has been available by telephone and email. She has
12 made all exchanges between the parties. There is no reason for Mr. Falconi to have this information
13 except to intimidate Ms. [REDACTED] who has already moved once in the last year so that he would not
14 know where she lived. She moved based upon his coming to her home and harassing her.

15 **D. Attorney's fees should be awarded to Respondent.**

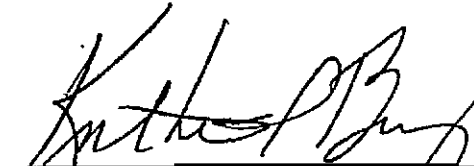
16 Pursuant to NRS 125.040, the Court enjoys the discretion to award attorney's fees and costs
17 associated with post-divorce actions. Leeming v. Lemming, 87 Nev. 530, 490 P.2d 342 (1971).
18 Moreover, the Court may make an allowance of attorney's fees and costs to a prevailing party. NRS
19 18.010, NRS 18.020, NRS 18.050, NRS 18.110. In addition to these factors, the Nevada Supreme
20 Court recently indicated that in family law matters the Court must evaluate a request for attorneys fees
21 upon the factors articulated in Brunzell v. Wright, 85 Nev. 345, 455 P.2d 31 (1969) and Wright v.
22 Osburn, 114 Nev. 1367, 970 P.2d 1071 (1998).

23 In the instant case, the Petitioner has continued to file motions with the Court without seeking
24 first to speak with Respondent's Counsel to resolve the matter. He has already been provided with
25 health care information. Respondent agrees with Petitioner with regard to the No Contact Order with
26 one exception. The Court has addressed this issue with Mr. Falconi earlier in discussions held off the
27 record in the February 10, 2009 hearing.

1 **III. Conclusion.**

2 For the foregoing reasons, Ms. [REDACTED] would request that the Court find that she has complied
3 with the Court's Order regarding health care information, enter an order requiring no contact between
4 the parties with the exception outlined in the motion, and order that Ms. [REDACTED] physical address may
5 remain confidential.

6 DATED this 14^L day of August, 2009.

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9 
KATHRINE [REDACTED]
Attorney for [REDACTED]

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11 **AFFIRMATION PURSUANT TO NRS 239B.030**

12 The undersigned hereby affirms that this document does not contain a Social Security
13 Number.

14 DATED this 14^K day of August, 2009.

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17 
KATHRINE L. BERNING, ESQ.
Attorney for [REDACTED] Ann [REDACTED]