

1 costs against Respondent. In his Petition, he expressly waived his right to seek an award
2 of costs against Respondent. (Petition at 5-6).

3 Petitioner argues that costs should be awarded against Ms. [REDACTED] because she
4 "deliberately dragged this proceeding out" because she knew that "she was not a victim
5 of domestic violence and that she had no intention to renew her fictitious address." Ms.
6 [REDACTED] did not appear in this proceeding. Ms. [REDACTED] involvement was based upon her
7 obtaining a fictitious address from Respondent. The Nevada Supreme Court ruled that
8 the issuance of the fictitious address to Ms. [REDACTED] was "proper." *Falconi*, 129 P.3d at 382.
9 Petitioner also concedes that Respondent properly issued the fictitious address.
10 Therefore, Ms. [REDACTED] enrollment in the program does not establish that she committed
11 any "wrongdoing." Ms. [REDACTED] obtained a valid temporary restraining order, and an
12 extension against Petitioner in case number FV08-03338. This Court's ruling did not
13 address whether or not Ms. [REDACTED] was not a victim of domestic violence. The Writ states
14 that Ms. [REDACTED] failed to prove by clear and convincing evidence that Petitioner was the
15 perpetrator of an act of domestic violence and that she fears further violence from
16 Petitioner. Additionally, the fact that Mother did not seek an extension is irrelevant to
17 Petitioner's request for costs.

18 Further, Petitioner's allegation that Ms. [REDACTED] unreasonably and "deliberately
19 dragged this proceeding out" is belied by Petitioner's acknowledgement that his previous
20 litigation on this matter established new precedent in Nevada law. In his Petition,
21 Petitioner argues that the Nevada Supreme Court in *Falconi*, created a "newly established
22 *Falconi* analysis" and "tied many of the procedural loose ends on this matter." (Petition at
23 4). He states that the Nevada Supreme Court stated that it was determining what
24 procedure a court should apply in order to resolve this issue. (Petition at 7). The Court
25 notes that Petitioner also states in his "Application to Proceed in Forma Pauperis on
26 Appeal and for the Production of Transcripts at the Expense of the County," filed
27 November 21, 2013, in case number FV08-03200, that the Nevada Supreme Court's ruling
28 in *Falconi* "expand[ed] Nevada case law... to clarify ambiguities in the fictitious address
program's statutory scheme." (Application at 5). How would Ms. [REDACTED] know to

1 comply with law that did not yet exist? There is no evidence that Ms. [REDACTED]
2 unreasonably delayed this proceeding or that she forced Petitioner to incur any
3 additional costs. Instead, the Supreme Court outlined the specific procedure that a
4 district court must follow regarding disclosing the confidential address of a participant in
5 the fictitious address program.

6 Petitioner also argues that Ms. [REDACTED] forced Petitioner to incur additional costs
7 because she was unwilling to settle this case. Petitioner states in his Petition that
8 "[m]ediation is [f]utile" because he and Ms. [REDACTED] have been involved in a "bitter
9 conflict" and will be unable to successfully resolve this issue through mediation.
10 (Petition at 16). However, the Petition did not seek to compel Ms. [REDACTED] to provide
11 Petitioner with her address, rather to compel Respondent to provide Petitioner with Ms.
12 [REDACTED] confidential address. Here, the issue was whether or not there was sufficient
13 evidence to require Respondent to provide a co-parent with the other parent's
14 confidential address. *See Falconi*, 129 P.3d at 386-87. Whether or not Ms. [REDACTED] engaged
15 in settlement negotiations is also irrelevant to Petitioner's Motion.

16 Petitioner also states in his Motion that he will not appeal an order in relation to
17 Ms. [REDACTED] and his request for costs.

18 A party cannot assign responsibility for costs to one of two parties. Petitioner has
19 not provided this Court with any legal authority to award costs against a real party in
20 interest after he has waived the ability to collect costs from a respondent. Nevada
21 Supreme Court case law indicates that costs should be awarded against respondents. *See*
22 *LaGue*, 68 Nev. 131, 229 P.2d 162.

23 Based on the foregoing reasons, the Court is without basis to find that Ms. [REDACTED] is
24 the "losing party," pursuant to NRS 12.015, or the "adverse party against whom
25 judgment is rendered," pursuant to NRS 18.020(4). Additionally, Petitioner's waiver as to
26 Respondent extinguishes this request.

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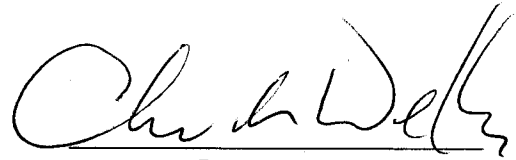
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1 Moreover, the Court notes that the amount of costs sought by Petitioner is not
2 large. However, neither Petitioner's claim for postage nor copies is supported by receipt
3 for payment in the amount claimed.

4 For these reasons, Plaintiff's request is hereby DENIED.

5 **IT IS HEREBY ORDERED**

6 Dated: March 3, 2014.

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9 District Court Judge
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