

CASE NO. FV08-03200 TITLE: ALEXANDER FALCONI V. [REDACTED] A. [REDACTED]

DATE, JUDGE
OFFICERS OF
COURT
PRESENT

APPEARANCES - HEARING

MOTION TO MODIFY CHILD CUSTODY

JANUARY 23, 2013

Atty Berning requested that each party have a right of first refusal if the other party will be absent from the child.

HONORABLE
CHUCK
WELLER

Father stated that he needs time to think about it and he is not ready to agree to a right of first refusal at this time.

DEPT. 11
COURTROOM 2

Atty Berning filed a Motion for Sanctions and Attorney's fees on December 6, 2012. In that motion, Atty Berning requests that Father pay Mother's attorney fees in the amount of \$1,685.00. In the Order, filed January 2, 2013, this Court found that Father was in violation of NRC 16.1 by attempting to engage in post-decree discovery without leave of the Court. That Order also states that reasonable attorney's fees incurred as a direct result of Father's post-decree discovery attempts are an appropriate sanction. The Court required Atty Berning to file an Affidavit that addresses the factors outlined in Brunzell v. Golden Gate National Bank.

K.
MONTGOMERY
Court Clerk

CD RECORD

BAILIFF
MIKE NEVILLE

Atty Berning stated that she has not filed that Affidavit yet.

Settlement discussions regarding the amount of the attorney's fees were held.

Mother currently pays Father child support in the amount of \$56.00 per month.

*Settlement discussions regarding the attorney's fees continued off the record.
On the record.*

The parties have come to an agreement regarding the amount of the attorney's fees.

COURT ORDERED: Based upon the agreement of the parties, Father's Motion to Modify Custody is Denied, the parties will continue to share joint legal and joint physical custody of the minor child, and there will not be a change in the custody/visitation schedule. The child's homework packet shall travel with the child. Each party is responsible for ensuring that the child's homework is completed during their custodial time with the child. If either party fails to complete the homework with the child during their custodial time, the other parent will not make up the homework that was not completed. Based upon the agreement of the parties, the cost of the child's school tuition shall be split equally between the parties. Regarding Atty Berning's request for attorney's fees, the parties have agreed that Father shall pay Atty Berning's fees in the amount of \$650.00, to be paid within three months. The party's agree to waive any appeal rights relating to this issue pending before the Court and that Father's Motion for Reconsideration is withdrawn. *Atty Berning to prepare Order After Hearing.*

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: FV08-03200
Judge: CHUCK WELLER
Official File Stamp: 01-25-2013:14:34:37
Clerk Accepted: 01-25-2013:14:40:09
Court: Second Judicial District Court - State of Nevada
Case Title: ALEXANDER M. FALCONI VS. [REDACTED] A.
[REDACTED] (D11)
Document(s) Submitted: ***Minutes
Filed By: Kelly Montgomery

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The following people were served electronically:

KATHRINE BERNING, ESQ. for [REDACTED]
[REDACTED]

The following people have not been served electronically and must be served by traditional means (see Nevada electronic filing rules):