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7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
10

11 ALEXANDER FALCONI,

Case No. FV08-03200

12 Plaintiff,

Dept. No. 13

13 vs.

14 [REDACTED] ANN [REDACTED]

15 Defendant.
16

17 ORDER REGARDING RENEWED MOTION FOR ORDER TO SHOW CAUSE OR
18 FOR THE ALTERNATIVE RELIEF REQUESTED

19 The Court reviewed all papers and orders associated with Mr. Falconi's Renewed
20 Motion for Order to Show or for the Alternative Relief Requested, submitted on February
21 19, 2016. It now finds and orders as follows:

22 Findings of Fact

23 1. The Parties are the parents of one minor child, [REDACTED] Falconi (DOB:
24 [REDACTED]) The Parties share joint legal custody of the minor child. Mr. Falconi
25 enjoys primary physical custody of the minor child, subject to Ms. [REDACTED] specified
26 visitation rights. On November 13, 2015, the Court ordered Ms. [REDACTED] to pay child
27 support in the amount of \$471.57 per month, subject to wage garnishment. The Court
28 ordered the Parties to provide the minor child's clothing at custody exchanges, and return

1 the items at the following custody exchange. Additionally, the Court ordered the Parties
2 to communicate through Our Family Wizard website.

3 2. On January 20, 2016, the Court entered an Order denying Mr. Falconi's
4 Motion for Order to Show Cause, filed December 3, 2015. The Order directed Mr. Falconi
5 to renew his Motion with an appropriate affidavit.

6 3. Mr. Falconi renews his Motion for Order to Show Cause or for the
7 Alternative Relief Requested. Mr. Falconi attaches a fact specific affidavit. Mr. Falconi
8 alleges Ms. [REDACTED] "is required to make child support payments of \$471.51 per month." Mr.
9 Falconi outlines his attempts to communicate with Ms. [REDACTED] regarding child support.
10 Mr. Falconi alleges Ms. [REDACTED] "has outstanding child support arrears in the amount of
11 \$2654.39" [sic]. Mr. Falconi alleges "On December 8, 2014, [Ms. [REDACTED]] was ordered to pay
12 [him] child support arrearages and outstanding medical obligations in the amount of
13 \$2998.43" [sic]. Mr. Falconi alleges Ms. [REDACTED] has failed to make a payment on the
14 arrearages in over a year. Mr. Falconi alleges Ms. [REDACTED] refuses to return the minor child's
15 clothing during exchanges. Mr. Falconi alleges Ms. [REDACTED] continues to communicate
16 through the minor child.

17 4. On February 18, 2016, Mr. Falconi filed a Supplemental Proposal for
18 Expedient Resolution, stating various means of resolution to obviate the need for a
19 hearing. Mr. Falconi requests "an order relieving [Ms. [REDACTED]] of her duty to provide the
20 child with medical, vision, and dental benefits" [sic]. Mr. Falconi requests the Court to
21 "order that, prospectively, the monthly payment plan as referenced in previous orders
22 vacated in its entirety and that the district attorney may proceed with any and all available
23 remedies to execute on and satisfy the outstanding judgment" [sic]. Mr. Falconi seeks to
24 discontinue providing any of the minor child's clothing during exchanges. Mr. Falconi
25 requests a \$25 deviation of child support in favor of Ms. [REDACTED] to allow her to purchase
26 her own clothing for the minor child. Mr. Falconi alleges Ms. [REDACTED] "has not attempted
27 telephonic communication with the child since October of 2015." Mr. Falconi further
28 alleges Ms. [REDACTED] has not disclosed her physical address, and "has not logged onto Our

1 *Family Wizard* in over a month." Mr. Falconi states he "is prepared to withdraw this
2 portion of the motion for the time being."

3 Conclusions of Law

4 1. District Court Rule 13 allows the court to construe the lack of an opposition
5 to a motion as an admission on the part of the opposing party and that the motion is
6 meritorious and should be granted. Ms. [REDACTED] was served with the Renewed Motion or
7 Supplemental Proposal for Expedient Resolution by U.S. Mail on January 25, 2016, and

8 [REDACTED]
9 any opposition or response to Mr. Falconi's Renewed Motion or Supplemental Proposal
10 for Expedient Resolution.

11 2. NRS 22.010 defines contempt as "[d]isobedience or resistance to any lawful
12 writ, order, rule or process issued by the court or judge at chambers." The party moving
13 for an order to show cause must make a prima facie showing that the non-moving party
14 had the ability to comply with the order and that his or her violation was willful. See
15 Rodriguez v. District Court, 120 Nev. 798, 102 P.3d 41 (2004). Any order intended to be the
16 subject of contempt, "must be clear and unambiguous, and must spell out the details of
17 compliance in clear, specific, and unambiguous terms so that the person will readily know
18 exactly what duties or obligations are imposed on him." See Cunningham v. District
19 Court, 102 Nev. 551, 559-60, 729 P.2d 1328, 1333-34 (1986) (citing Southwest Gas Corp. v.
20 Flintkote Co., 99 Nev. 127, 659 P.2d 861 (1983)). Courts have "inherent power to enforce
21 their decrees through civil contempt proceedings. . ." In re Determination of Relative
22 Rights of Claimants & Appropriators of Waters of Humboldt River Stream Sys. &
23 Tributaries, 118 Nev. 901, 909, 59 P.3d 1226, 1231 (2002). Based on Mr. Falconi's
24 Supplemental Proposal for Expedient Resolution, and the Court's determination herein, a
25 hearing is not warranted.

26 3. As there is a separate case regarding enforcement of child support involving
27 the Washoe County District Attorney's Office, Case No. FV16-00031, Mr. Falconi shall
28 proceed with his claims regarding Ms. [REDACTED] failure to pay child support in that action.

IT IS SO ORDERED.

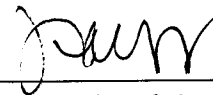
Budney E. Robb
District Judge

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify I am an employee of the Second Judicial District Court, and on the 16 day of March, 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to:

Alexander M. Falconi
[REDACTED]
[REDACTED]
[REDACTED] Ann [REDACTED]
[REDACTED]
[REDACTED]



Judicial Assistant