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Joey Orduna Hastings
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IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

ALEXANDER M. FALCONI,
Petitioner,
vs.
[redacted] A. [redacted]
Respondent.
_____/

CASE NO. FV08-03200
DEPT. NO. 11

ORDER AFTER HEARING REGARDING MOTION FOR ORDER TO SHOW CAUSE

The above-entitled matter came on regularly on July 25, 2013, for a hearing on an Order to Show Cause. Plaintiff Alexander Falconi (hereafter "Father") was present, representing himself. Defendant [redacted] (hereafter "Mother") was present with counsel, Kathrine Berning, Esq., representing her. Additionally, the Court heard testimony on Father's Motion to Modify Child Support filed on May 28, 2013 and Motion for an Order to Show Cause filed on June 19, 2013. Based upon the papers, pleadings and orders on file herein and hearing the Parties' arguments, the Court now finds and orders as follows:

Father alleged Mother failed to provide him with the child's homework packet approximately six (6) times over the course of eight (8) to ten (10) weeks as well as

declined to cooperate with his suggestions on how she could provide him the child's homework packet in alternative ways. Pursuant to the Order filed on February 8, 2013, the child's homework packet shall travel with the child. Mother utilized a third party to facilitate the exchanges and failed to comply with this Court's orders by ensuring the homework packet traveled with the child. The Court finds that Mother had the ability to ensure the homework packet traveled with the child, but failed to do so. Therefore, the Court finds Mother is in contempt of Court. Ms. [redacted] is sentenced to serve twenty-four (24) hours in the Washoe County Jail. This sentence is suspended in full on the condition that Mother complies with the Court's Order going forward.

Father alleged Mother violated the Court Order filed on May 10, 2010 by not giving him fourteen (14) days notice of a scheduled dental appointment made for the minor child. Mother testified the parties scheduled a dental surgery for the minor child; however, two days prior to the surgery, the dentistry office contacted her and informed her she needed to attend a pre-opt meeting with the surgeon otherwise the surgery would be canceled. Mother claimed the pre-opt appointment was unanticipated, which prevented her ability to notify Father within the fourteen (14) days as Ordered. Father testified he believes the appointment was an emergency and preferred it was scheduled immediately; however, wished Mother would have notified him via telephone to give him immediate notice. Pursuant to the Order After Hearing filed on May 10, 2010, Mother is to contact Father via e-mail for all non-emergency medical appointments regarding the minor child. The appointment was an emergency and it was not feasible for Mother to provide Father fourteen (14) days notice. Therefore, Father's Motion for an Order to Show Cause filed on June 19, 2013 is DENIED and Mother is not found in contempt.

Additionally, Father's Motion for an Order to Show Cause filed on June 19, 2013, requested an alternative communication between the parties in the event of a medical emergency regarding the minor child. The Court GRANTS this request. In the

event of an emergency regarding the parties' minor child, Mother is to notify Father via text message and Father is to notify Mother through third party, Robbie, only.

IT IS SO ORDERED.

DATED: ~~August~~ SEPTEMBER 3, 2013.

CHUCK WELLER
DISTRICT JUDGE

Case No. FV08-03200