

1 In her Opposition, Mother argues that Father is prolific and litigious. She claims
2 that on January 22, 2009, she provided Father with links to the vision and dental plan she
3 has for the child and explained that those providers do not issue insurance cards. She
4 attaches to her Opposition copies of email communication demonstrating same. Mother
5 claims that she emailed Father in February, 2012, to inform him that the child had a
6 dental appointment on February 21, 2012, with a new dentist.

7 Mother claims that because she has previously provided Father with health
8 insurance information there is no basis for contempt. Additionally, Mother notes that
9 Father rarely shows up to the child's medical appointments, and after the child had his
10 tonsils removed, Father waited three weeks before seeing the child. Mother claims that
11 though Father alleges the child was in dental pain, at a recent appointment the dentist
12 stated that the cavities should not have been hurting, as they were not at the root.

13 Mother also claims that the emergency room visit in March was unnecessary as the
14 child was suffering from a cold and Father should have had children's Tylenol to give the
15 child. She claims the emergency room visit was unnecessary.

16 Regarding the homework, Mother admits that she has unintentionally forgotten
17 the child's homework "a couple of times." She claims it was never willful or intentional.
18 Mother claims that she offered to scan and email the child's homework and Father said
19 not to bother. Mother also claims that at Spring Break, Father refused to share the
20 homework packet. Additionally, Mother alleges that the child was suspended from
21 school while in Father's care, and Mother believes it is the child's babysitter and not
22 Father who completes the homework with the child.

23 In his Reply, Father argues that if Mother could find the email she sent in 2009 to
24 attach it to her Opposition, she could have just resent it to Father. Father argues that this
25 is "gotcha parenting." He believes she should have resent the email when he asked her to
26 do so.

27 Regarding the homework, Father claims that Mother said she would send him
28 homework by scan when she forgot to exchange it, but did not do so until after the start
of the weekend, despite his asking her to do so. He also alleges that she has forgotten to

1 exchange the homework twice since he filed his Motion for Order to Show Cause. Father
2 also claims that Mother took the child on vacation during a school week something the
3 Court warned her against at the last hearing. He also denies failing to exchange the
4 homework packet at Spring Break.

5 Finally, Father claims that Mother continues to violate the 14-day notice policy of
6 the Court's prior Order. He claims that Mother took the child to a dental appointment on
7 April 30, 2013, and provided a mere 11 hours notice by email. Though Father appreciates
8 her obtaining "rapid dental care" for the child, he claims she is again frustrating his
9 rights. He claims she could have contacted him by telephone, something he did for her
10 when he had to take the child to the emergency room.

11 NRS 22.010 defines contempt as "[d]isobedience or resistance to any lawful writ,
12 order, rule or process issued by the court or judge at chambers." To constitute the basis
13 for a judgment of contempt, an order must be clear and unambiguous. *Cunningham v.*
14 *Eight Judicial Dist. Ct of the State of Nevada*, 102 Nev. 551, 559-560, 729 P.2d 1328, 1333
15 (1986). Such an order must "spell out the details of compliance in clear, specific and
16 unambiguous terms so that the person will readily know exactly what duties or
17 obligations are imposed on him." *Id.* at 560, 729 P.2d at 1333-1334.

18 *Dental Care and Emergency Room Visit*

19 Mother provides proof that she provided Father with the dental information in
20 2009. Father argues that she could have easily resupplied that information because he
21 could not find it. Though this may be true, Father's losing the information is certainly not
22 a basis for a finding of contempt, nor is Mother's refusal to resupply the information.
23 There is no basis to hold Mother in contempt regarding the provision of health insurance
24 information.

25 Based upon the allegations and communications provided by these parties, it
26 appears the child's teeth were an issue in **early 2012**. The next set of correspondence
27 provided by the parties begins in late March, 2013. It appears these parties allowed the
28 child's teeth to remain untreated for over a year. These parties have engaged in litigation
over the past year and this issue has not come up until now. It is unacceptable that these

1 parties failed to obtain dental treatment for the child for so long. This child suffers
2 because both parties are unwilling to cooperate and communicate. No party is blameless,
3 and each owes this child better.

4 Regarding the Emergency Room visit, the May 26, 2009, Order states that the
5 parties are to utilize the in-network healthcare providers for the child's healthcare needs.
6 "If either parent goes outside of the healthcare network coverage then he/she will be
7 responsible for the total amount above what the in healthcare network amount would
8 have been, as well as half of the in network amount. The only except [sic] to this is that
9 either party may take the child to any facility or doctor when he/she is out of town on a
10 scheduled vacation."

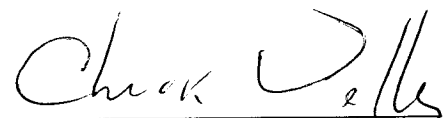
11 Here, it is unclear whether the E.R. Father utilized in March, 2013, was in-network
12 or not. It is also unclear if Father has abided by the 30/30 provision set out in the March,
13 2009 Order regarding providing medical bills. Mother also claims that the visit was not
14 an emergency and was based upon the child having a cold. The Court lacks sufficient
15 information to resolve this dispute. The Court will address this dispute at the hearing
16 regarding contempt if the parties provide the Court with sufficient information at that
17 time to do so.

18 *Homework*

19 Mother admits that she has failed on occasion to provide homework packets to
20 Father for the child. Therefore, Mother is hereby ordered to appear and show cause why
21 she should not be held in contempt of Court. Within fourteen days of this Order, Father
22 shall send a notice to set to Mother selecting a Tuesday, Wednesday, or Thursday
23 between the hours of 9:00 a.m. and 12:00 p.m., to appear before Department Eleven of the
24 Second Judicial District Court, One South Sierra Street, Reno, Nevada, to set this matter
25 for a hearing. WDCR 4(1).

26 **IT IS HEREBY ORDERED**

27 Dated: May 17, 2013.

28 
District Court Judge