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Esquire

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August 31, 1998

Randall Roske
516 S. Sixth St. #300
Las Vegas, Nevada 89101

Re: Mosley vs. Figliuzzi

Dear Mr. Roske,

As you know, Judge Kosach has requested on several occasions (the last being our telephonic communication August 14, 1998) that we attempt to resolve the matters before the court without further hearings. With this in mind I have had lengthy discussions with my client, who quite frankly believes that this litigation has gone on far too long and is beginning to have a detrimentally effect on our clients' son, Michael. Accordingly I have been instructed to communicate the following offer in the spirit of settlement:

That the parties return to the shared custody schedule contained in the court-approved parenting plan. (This is begin suggested due to my client's assumption that having completed the two counseling programs that the petitioner had earlier completed, the respondent will no longer seek to involve Michael in further disputes that may arise. Additionally, the court-ordered third counseling program conducted by a licensed psychiatrist or psychologist may still be in the offing depending on the circumstances.)

That my client be hereinafter designated as primary physical custodian of the parties' child.

And that no further child support payments be paid by wither party. (Based on the assumption that both are financially able to maintain their child.)

I would appreciate your clients response to this offer as early as possible in that there will be substantial discovery on the issues of the financial condition and psychological status of your client prior to any eventual hearing date being established.

Additionally, please understand that this offer to resolve the matter before the court is predicated upon a belief that no further alienation of the parties' child from my client will exist. (Such as the false physical abuse allegation made last June.) It is the desire of the petitioner and, I

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CARL E LOVELL JR

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would hope, all parties concerned that this unsettling and vitriolic litigation cease and we can get on with the very serious and difficult chore of being responsible parents.

Very truly yours,



CARL E. LOVELL, JR., ESQ.

CELI/tjm
cc: [illegible]



10/25/94

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FILED

DISTRICT COURT
CLARK COUNTY, NEVADA
NOV 23 2 53 PM '94

Janet B. ...
CLERK

DONALD M. MOSLEY,
Petitioner,
vs.
TERRY MARIE FIGLIUZZI,
Respondent.

CASE NO. D149288
Dept. No. Paternity
Docket. Visiting Judge
Steven R. Kosach

JUDGMENT

Respondent Terry Marie Figliuzzi having filed her Combined
Motions For Relief to modify the previous custody order of this
Court, filed on August 26, 1993, and this Court having reviewed the
pleadings filed by Respondent Terry Marie Figliuzzi in support of
said combined motions and having held the hearing on Respondent
Terry Marie Figliuzzi's Combined Motions For Relief on June 11 and
September 9, 1994, at which times Petitioner Donald M. Mosley
appeared in person and by and through counsel Carl E. Lovell, Jr.,
and Respondent Terry Marie Figliuzzi appeared in person and by and
through counsel, James Shields Beasley, and Petitioner Donald M.
Mosley and Respondent Terry Marie Figliuzzi having presented
testimony and evidence in opposition to, and in support of, said
combined motions, and this Court having engaged the services of an
expert, to wit: Dr. Linda Peterson, to perform an independent
evaluation of the parties and their minor child, Michael M. Mosley,

1 for the purpose of determining whether or not the previous custody
2 order of this Court, filed on August 26, 1993, is in the best
3 interest of the minor child, and this Court having reviewed that
4 report concerning said independent evaluation prepared and
5 submitted by Dr. Linda Peterson and heard the courtroom testimony
6 of Dr. Linda Peterson concerning the subject matter of her report
7 and this Court having filed its Decision on September 21, 1994, and
8 finding that, since the previous custody order of this Court filed
9 on August 26, 1993, there has occurred a change in circumstances
10 from which it clearly appears that that previous custody order
11 providing for joint legal and physical custody of the minor child
12 to be shared between Petitioner Donald M. Mosley and Respondent
13 Terry Marie Figliuzzi is not in the best interest of the minor
14 child and this Court having held a telephonic hearing on October
15 21, 1994, for the purpose of clarifying certain statements
16 contained in its Decision, filed September 29, 1994, relating to
17 the visitation rights given to Petitioner Donald M. Mosley, and
18 Carl E. Lovell, Jr., having participated in said telephonic
19 hearing on behalf of Petitioner Donald M. Mosley, and James Shields
20 Beasley having participated in said telephonic hearing on behalf of
21 Respondent Terry Marie Figliuzzi, and this Court believing that
22 weekend time will afford Petitioner a better opportunity to avail
23 himself of quality time with his son and improve his relationship
24 with him, and having determined that, in view of the working
25 schedule of Petitioner Donald M. Mosley, it would be more in the
26 best interest of the minor child if Petitioner Donald M. Mosley
27 were to have visitation rights with the minor child from Saturday
28 mornings at 9:00 a.m. until Sunday evenings at 4:00 p.m.

1 alternating every other weekend beginning on Saturday October 19,
2 1994, and continuing thereafter, and good cause otherwise
3 appearing.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

5 1. Those portions of the custody order of this Court filed
6 August 16, 1993, providing that:

7 (a) "...custody shall be divided 50 % equally between the
8 parties" and that "[t]here shall be one transfer per week
9 and each party shall have the child 3 1/2 days per week. The
10 Petitioner (father) shall have custody of the minor child
11 from Sunday morning at 9:00 a.m. until Tuesday evening at
12 7:00 p.m. each week...";

13 (b) "Each party shall have the right to two weeks vacation
14 with the child and shall be allowed to take the child
15 anywhere in the continental United States. This two week
16 period shall not include Christmas or Thanksgiving holiday
17 times.

18 "Prior to August 1, 1993, the Respondent shall choose
19 the two weeks she wishes with the child and thereafter the
20 Petitioner shall choose the two week period he wishes to
21 have with the child during the first year (August 1, 1993 to
22 August 1, 1994). After both parties have chosen their two
23 week period, they shall alternate determination for the two
24 week period for the following years: that is, that the
25 Petitioner shall choose the two weeks he wishes for the year
26 beginning August 1, 1994 through August 1, 1995, and the
27 Respondent shall choose following. For each year thereafter
28 the parties shall alternate their determination of the two

1 week periods.";

2 (c) "The Petitioner shall choose the pre-school and any
3 educational schooling for the child until he reaches
4 majority and the Respondent shall have control regarding
5 religious upbringing.";

6 (d) "The Children's Clinic shall be the Pediatricians for
7 the child and shall be used by both parties under further
8 order of this Court, excepting emergencies."; and

9 (e) "If either party is unable to take the custody of the
10 child during their authorized times as set forth above, the
11 parent who has the right to such custody may make
12 arrangements for the child to be taken care of with any
13 responsible adult or licensed child care agency they
14 select."

15 are not in the best interest of the minor child and are hereby
16 vacated; and, in their place and stead, it shall be ordered
17 adjudged and decreed that

18 (A) Respondent Terry Marie Figliuzzi shall have sole legal
19 and physical custody and control of the minor child, Michael
20 D. Mosley;

21 (B) Petitioner Donald M. Mosley shall be entitled to
22 visitation with the minor child Michael D. Mosley, from
23 Saturday morning at 9:00 a.m. until Sunday evenings at 7:00
24 p.m. alternating every other weekend beginning on Saturday
25 October 29, 1991 and continuing thereafter. During said
26 periods of visitation, Respondent Terry Marie Figliuzzi
27 shall deliver the minor child on Sunday mornings at 9:00 a.m.
28 to the home of Petitioner's brother, to wit, Dan Mosley,

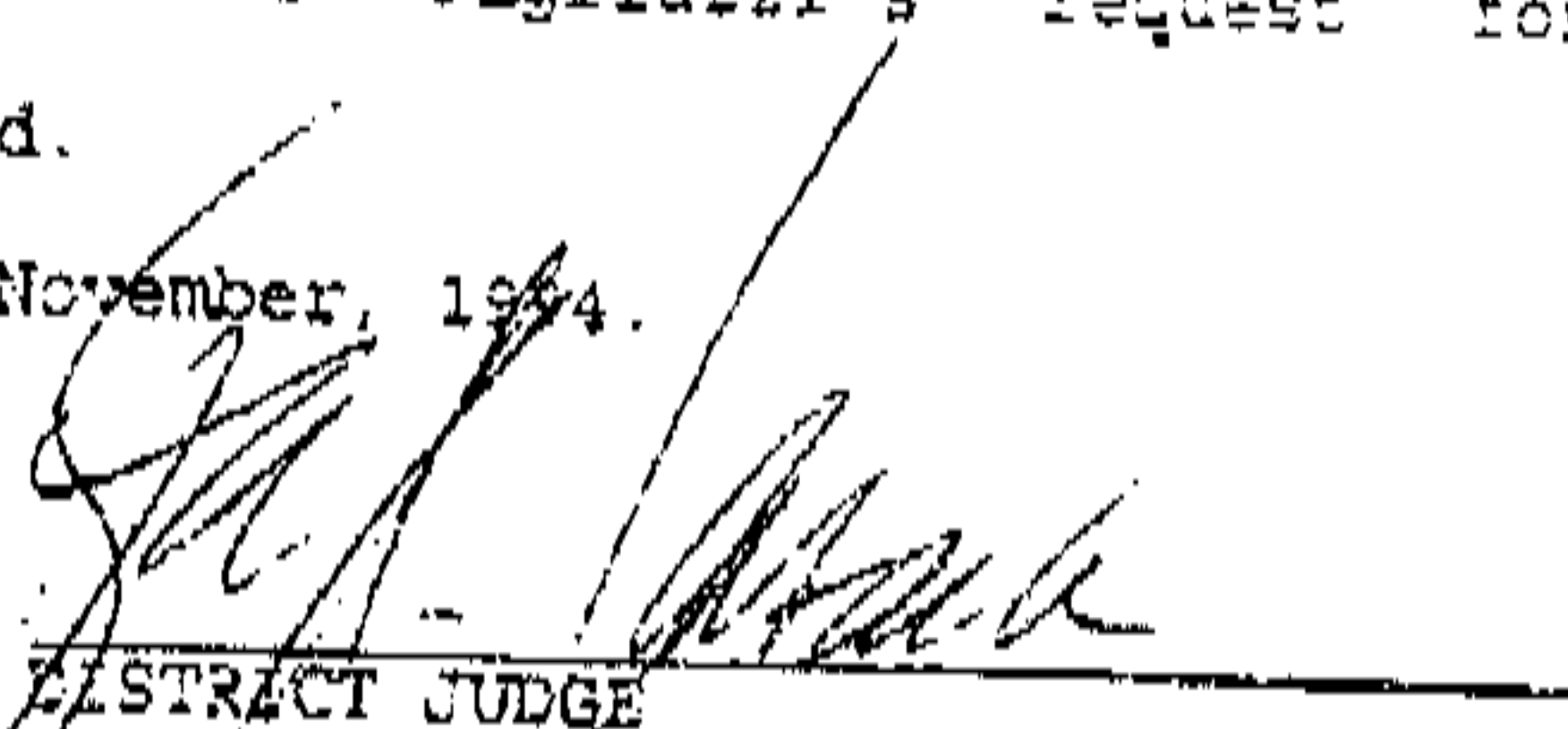
1 where, immediately following said delivery, Petitioner
 2 Donald M. Mosley shall pick up the minor child; and on
 3 Sunday evening, Petitioner Donald M. Mosley shall deliver
 4 the minor child at 7:00 p.m. to the home of his brother, to
 5 wit: Dan Mosley, and where following his immediate departure
 6 the minor child will be picked up by Respondent Terry Marie
 7 Figliuzzi;

8 (c) During the period in which the minor child is with
 9 Petitioner overnight, there shall be no persons staying over
 10 night in Petitioner's residence, unless it be family
 11 members;

12 (d) Petitioner Donald M. Mosley will pay the minimum of five
 13 hundred dollars (\$500.00) per month in child support to
 14 Respondent, and shall be responsible for one half of the
 15 child's health care not covered by insurance; and

16 (e) Respondent Terry Marie Figliuzzi's request for
 17 attorney's fees is denied.

18 DATED this 22 day of November, 1994.

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 21 _____
 22 ABSTRACT JUDGE
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July 3, 1998

Ms. Terry Figliuzzi
527 Cherry Street
Boulder City, Nevada
89005

Dear Terry

I understand that you have been inquiring of my secretary about the child support check for the month of July. It is of course my intention not to send you a check for this month due to the fact that I, at least temporarily, have sole physical custody of Michael. You may be interested to learn, however, I intend to utilize those monies to pay Mrs. Kanaly, a teacher from Wasden School, whom I have employed to tutor Michael in reading and math. This, in an effort, to better prepare him for first grade.

Concerning the matter of child support in the future, you may recall that I have paid you \$500.00 per month since June of 1992 based on our stipulation. At that time you had Mr. Silverman as your attorney and I had Miss Fine. This was predicated upon your having the vast majority of Michael's time and your financial problems during that period. You testified before Judge Kosach approximately October 1993 that you had a master's degree in finance, a very impressive work history, and the prospect of making an enormous sum of money in real estate. Notwithstanding, I continued to pay child support in order to maintain Michael's well-being. Now after years have passed, I have come to the conclusion that rather than support Michael, these monies tend to support your gambling habit and ongoing litigation which you promote in an attempt to extricate me from Michael's life. I am frankly convinced that due to your refusal to obtain steady conventional employment and your waste of money as I've described above, that child support should not be required in the future. (I would point out that no court order has ever required a payment of child support in our case.) If you wish to have the Court make a determination in this matter, I am sure we will have an opportunity at the next hearing.

On another subject, I was pleased to learn from Mrs. Kanaly (my tutor) that you have been in contact with her concerning Michael. As always you are welcome to call Michael at my home, (and Mrs. Kanaly, between 9:00 a.m. and noon weekdays.) Additionally, it has occurred to me that it is not good to have Michael extricated from one parent each time the good fortunes of litigation favor the other. As you know, Michael has called you on occasion, which I encourage. If you would like to discuss the possibility of our planning a dinner at my home with Michael (perhaps a bar-b-que outside) sometime within the next few weeks, I would like to hear from you. I think it might be good for Michael. I believe that it is important for him to get over the sense

that there is total warfare going on concerning his custody. (I am still discussing the possibility of counseling for Michael, but pursuant to Court rule and common sense I need your thoughts in the matter, at some time.) Please respond when you have the opportunity.

Sincerely,



Don

P.S. As you know, I have been out of town for a period of time, but intend to ask Carl to contact our attorney, soon in an effort to negotiate our case as directed by Judge Kosach.

5/27/08
10/27/08

DONALD M. MOSLEY

October 18, 2007

Dear Judge Manoukian,

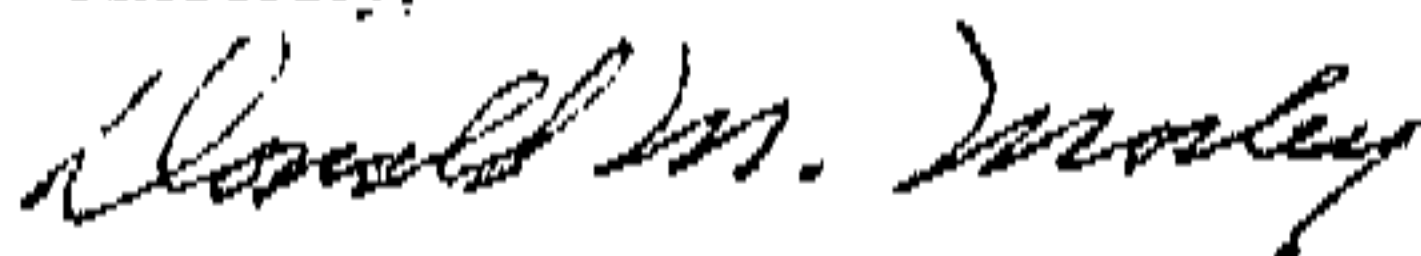
I am in receipt of your order and appreciate very much the obvious time and consideration that went into its creation. There are some minor adjustments that perhaps Terry and I could agree to (with your permission). These concern the times of picking up Michael and the beginning of weekend visitation. We will try to reach an agreement.

One other matter of concern is your indication that the issue of child support will be determined by yourself, in the next few weeks. I would request a delay in that decision for the following reasons:

1. Terry has not properly pled a request for child support nor have I been served with same and was not prepared to address the issue at our hearing of October 26th. I believe that only mention was made of the subject. There was certainly not an opportunity to set forth the law or the facts surrounding the issue. (It is important to recognize that your Court Order of June 18th, instructed Terry to properly plead her request for child support and not just complain about it from time to time)
2. I would like to file a pre-hearing memorandum pursuant to NRCP 5.87(b)(3). This statute provides that the amount of child support requested must be set forth and the various relevant factors be delineated. Both sides would have an opportunity to list the consideration to be given the subject. This statute recognizes the rebuttable presumption of the amount of child support otherwise provided and gives an opportunity for the parties to be heard on such things as their financial status, (Affidavit of Financial Conditions has been submitted by myself, but I do not believe the Defendant has done so), propensity to create waste of child support given, i.e., gambling compulsion, legal expenditures, etc., and which parent is most likely to utilize the funds for the welfare of the child.
3. The issue of "offsetting" the payment of child support in the future with the lack of such payment by the requesting party in the past is also an issue that I would like to brief.

Candidly, if the Court is considering giving Terry child support, which would deplete the fund being established for Michael's college education, I think I have the legal and equitable right to be heard.

Sincerely,



Simultaneously faxed to: Judge Manoukian @ 775-782-6118

Terry Mosley @ 616-2703 & c/o Tom Rondeau @436-2650