**IN THE SUPREME COURT OF THE STATE OF NEVADA**

LUBA SNOW DACE fka
LUBA GONZALEZ,

Appellant,

v.

ENRIQUE IVAN VELAZQUEZ-GONZALEZ,

Respondent.

Electronically Filed
Jun 11 2026 08:21 AM
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 92300
Related Appeal No. 84759
90570

District Court No.: D-18-575860-D

Appeal from the Eighth Judicial District Court, Family Division,
Clark County, Nevada
The Honorable Heidi Almase, District Court Judge

# RESPONDENT'S FAST TRACK ANSWERING BRIEF

ENRIQUE IVAN VELAZQUEZ-GONZALEZ
[redacted]
Respondent in Proper Person

## I. NRAP 26.1 DISCLOSURE STATEMENT

Respondent Enrique Ivan Velazquez-Gonzalez is an individual and is not a nongovernmental corporate party. Accordingly, no disclosure is required under NRAP 26.1(a).

Dated this11th day of June, 2026.

*/s/ Enrique Ivan Velazquez-Gonzalez*
**ENRIQUE IVAN VELAZQUEZ-GONZALEZ**
[redacted]
*Respondent in Proper Person*

## STATEMENT OF ISSUES

1. Whether the district court abused its discretion by deciding post-decree motions on the written record after both parties filed extensive briefing, where Appellant did not establish adequate cause or a prima facie basis for the broad relief she requested.

2. Whether the district court acted within its discretion by implementing electronic visitation on Tuesdays and Thursdays at 7:15 p.m. for 15 minutes after Appellant herself requested a change in call days; and, if this Court disagrees as to the duration limit, whether any remedy should be limited to the electronic-visitation provision, with the Decree's original Monday/Friday call language controlling unless properly modified after notice and an opportunity to be heard.

3. Whether the district court properly clarified Winter Break so the Decree's reference to the "first Wednesday in January, the normal exchange day" would operate with the current Monday-based exchange schedule entered in the January 2, 2025 post-judgment custody order.

4. Whether the district court properly denied Appellant's countermotion to rewrite all holiday provisions and modify legal custody/medical decision-making where that relief went far beyond the narrow Winter Break clarification and was not supported by adequate cause.

5. Whether the district court properly denied reconsideration of the August 29, 2025 medical decision-making order after finding the prior order applied Kelley, contained factor-specific findings, and was not clearly erroneous or unsupported by substantial evidence.

6. Whether the pending appeal in Case No. 90570 deprived the district court of authority to clarify, enforce, and implement existing post-decree orders, or whether Appellant invited any claimed error by asking the same court to rewrite holidays, video calls, and legal custody while the prior appeal was pending.

## STATEMENT OF THE CASE

This appeal arises from a February 17, 2026 combined post-decree order. The order denied Appellant Luba Snow Dace's September 16, 2025 motion to reconsider the August 29, 2025 medical decision-making order, denied Respondent's September 30, 2025 fee countermotion, granted in part Respondent's November 15, 2025 motion to clarify Winter Break, denied Appellant's November 28, 2025 countermotion to revise holidays and modify legal custody, and vacated the January 14 and January 28 chambers matters. (1622 Order; 1623 Notice of Entry.)

The parties' December 8, 2021 Decree incorporated a Marital Settlement Agreement under which the parties then shared joint physical custody on a week-on/week-off schedule with Wednesday exchanges. The Decree also provided that

Appellant would have Zoom/video calls during Respondent's custody time on Mondays and Fridays at 7:15 p.m., and that Winter Break would be divided into two parts, with the second part running through the first Wednesday in January, the normal exchange day. (1269 Decree/MSA, Articles 9.3, 9.4.7, 9.6.)

The custody framework changed after trial. On January 2, 2025, the district court entered Findings of Fact, Conclusions of Law, and Orders (Post-Judgment) awarding Respondent primary physical custody and awarding Appellant the first, second, fourth, and fifth weekends of each month from Friday after school or 3:00 p.m. if no school to Monday to school or 9:00 a.m. if no school. (1516 FFCL at 37:7-15.) The order preserved the existing holiday/vacation timeshare status quo, but the weekly exchange mechanics were no longer Wednesday-based. (1516 FFCL at 37:14-15.)

That change created more than an abstract or academic problem for Winter Break. The Decree's phrase "first Wednesday in January, the normal exchange day" was written when Wednesday was the normal exchange day. After the FFCL, Monday became the exchange day associated with Appellant's weekend timeshare. Respondent filed his Winter Break motion because Appellant had already taken the position that she could keep the child through Wednesday, January 7, 2026, as though Wednesday remained the controlling exchange day, despite the later Monday-based schedule. Respondent therefore asked the district court to clarify,

before the [redacted] Winter Break dispute occurred, that Winter Break remains divided into two segments and that the second segment ends when school resumes and the current Monday exchange schedule restarts. (1593 Motion to Clarify Winter Break.)

Appellant did not limit her response to that narrow issue. Instead, she filed a broad opposition/countermotion seeking to deny Respondent's motion, revise all holiday and video-call provisions, and modify legal custody by granting her sole legal custody or tie-breaking medical authority. (1602 Opposition/Countermotion at 2:1-24.) She also requested an oral hearing. Respondent opposed that broad relief and explained that his motion was a clarification of outdated exchange terminology, not a substantive change to the holiday allocation. (1607 Reply/Opposition/Countermotion.)

The February 17 order also resolved Appellant's reconsideration motion concerning the August 29, 2025 medical decision-making order. The August 29 order had already applied Kelley to the parties' orthodontic dispute, found Phase I orthodontic treatment was preventative and not medically necessary at that time, found monitoring and an in-network second opinion reasonable, and denied Appellant's request for temporary sole medical decision-making authority. (1568 Order at 8-11.) Appellant then sought reconsideration, again arguing the district

court misapplied Kelley and ignored the provider's July 28 clarification. (1578 Motion to Reconsider.)

In the appealed order, the district court found Appellant had not shown the August 29 order was clearly erroneous, unsupported by substantial evidence, or against the clear weight of the evidence. The court specifically found the August 29 order contained findings on the Kelley factors and that Appellant had not presented substantially different evidence requiring reconsideration. (1622 Order at 10-13.)

## SUMMARY OF ARGUMENT

The February 17, 2026 order should be affirmed. The district court did not conduct a trial on contested custody facts or make an unsupported merits determination on a new custody claim. It resolved post-decree motions on a written record after extensive briefing. Appellant was not denied due process merely because the court decided the motions in chambers without oral argument or live testimony. Under Rooney and Myers, an evidentiary hearing is required only when the moving party establishes adequate cause or a prima facie basis for relief. The district court found Appellant did not do so.

Appellant's strongest-sounding arguments depend on characterizing narrow implementation rulings as sweeping modifications. The Winter Break ruling did not rewrite custody. It harmonized the Decree's two-part Winter Break provision

with the later January 2, 2025 custody order changing the normal exchange mechanics from Wednesday to Monday. The Winter Break issue was not hypothetical: Respondent sought clarification because Appellant had already asserted that the old Wednesday endpoint allowed her to keep the child through January 7, 2026, even though the current custody order made Monday the normal exchange point. The 15-minute call limit likewise implemented the electronic-contact provision after Appellant herself requested Tuesday/Thursday calls. It was a reasonable parenting-time management ruling within the district court's discretion. If this Court disagrees as to the call-duration limit, any remedy should be limited to that discrete issue and should not expand Appellant's electronic visitation beyond the Decree.

The court also correctly denied Appellant's broad countermotion to revise all holidays and modify legal custody. Appellant attempted to expand a narrow Winter Break clarification into a comprehensive rewrite of the holiday schedule, video-call provisions, and medical decision-making authority. The court was not required to grant that overbroad relief, and Appellant did not show adequate cause for an evidentiary hearing on it.

The medical reconsideration ruling should also be affirmed. The August 29 order expressly applied Kelley and made findings on the seriousness of harm, provider recommendations, treatment risks, and the child's capacity to express a

preference. The February 17 order correctly held that Appellant had not shown clear error, newly discovered evidence, or a mistake of law. Reconsideration is not a second opportunity to reargue the same evidence.

Finally, Appellant cannot use the pending appeal in Case No. 90570 both as a sword and a shield. She asked the district court to revise holidays, change video calls, and modify legal custody while that appeal was pending. The district court retained authority to clarify and enforce existing orders and to deny overbroad modification requests. If any jurisdictional concern existed, it supported denying Appellant's requested modifications, not reversing the narrow clarifications at issue here.

## ARGUMENT

### I. Standard of Review

Child custody, visitation, and parenting-time rulings are reviewed for abuse of discretion. A district court abuses its discretion when its decision is arbitrary or capricious or when it applies an incorrect legal standard. See *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241-42 (2007). Findings of fact are reviewed for substantial evidence, and appellate courts do not reweigh credibility or substitute their judgment for the district court on factual matters. See *Rivero v. Rivero*, 125 Nev. 410, 428, 216 P.3d 213, 226 (2009).

The denial of an evidentiary hearing in a custody-related matter is reviewed for abuse of discretion, but a hearing is required only if the movant shows adequate cause. *Rooney v. Rooney*, 109 Nev. 540, 542-43, 853 P.2d 123, 124-25 (1993). *Myers v. Haskins* explains that a district court evaluates whether the movant made a prima facie case and may deny a hearing when the movant fails to make that threshold showing. 138 Nev. Adv. Op. 51, 513 P.3d 527 (Ct. App. 2022).

The denial of a motion for reconsideration is reviewed for abuse of discretion. A motion for reconsideration is appropriate only when substantially different evidence is later introduced, the decision is clearly erroneous, or reconsideration is necessary to prevent manifest injustice. *Masonry & Tile Contractors Assn. of S. Nev. v. Jolley, Urga & Wirth Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

Questions of law, including the scope of district court jurisdiction during a pending appeal, are reviewed de novo. *Mack-Manley v. Manley*, 122 Nev. 849, 138 P.3d 525 (2006); *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978).

**II. The District Court Did Not Abuse Its Discretion by Resolving the Motions on the Written Record**

Appellant first argues that the district court was required to hold an evidentiary hearing before deciding the holiday, communication, and medical issues. That argument overstates Nevada law and ignores the procedural posture. The district court did not conduct a custody trial or terminate a parent's rights on

conflicting testimony. It resolved post-decree motions in chambers after both parties filed extensive written submissions and exhibits.

Nevada law does not require an evidentiary hearing on every post-decree custody-related request. Rooney holds that a district court may deny a motion without an evidentiary hearing when the movant fails to establish adequate cause. Myers confirms that the adequate-cause inquiry is a threshold screening device. The appellant's opening brief relies on the general principle that material factual disputes may require a hearing, but that principle does not eliminate the threshold requirement that the moving party plead and support a prima facie basis for the relief requested.

Here, Appellant was the party seeking the broadest relief: a comprehensive rewrite of all holiday provisions, a change to video-call provisions, and a modification of legal custody or medical tie-breaking authority. (1602 Opposition/Countermotion at 2:1-24.) The district court found she did not establish the required showing for that relief. The February 17 order expressly relied on the court's prior August 29 order, which found Appellant had failed to establish adequate cause to set an evidentiary hearing on temporary legal custody. (1622 Order at 10-11; 1568 Order at 7-8.)

The Winter Break issue was also not a fact-heavy dispute requiring live testimony. The controlling documents were the Decree and the January 2, 2025

FFCL. The Decree tied the second Winter Break segment to the "first Wednesday in January, the normal exchange day." (1269 Decree/MSA, Article 9.4.7.) The later FFCL changed the practical exchange schedule to a Monday-based weekend schedule. (1516 FFCL at 37:7-15.) The court had authority to interpret its own orders and resolve that legal/mechanical question from the written record.

Appellant also cannot show prejudice from the chambers procedure. She filed a detailed 34-page opposition/countermotion, an exhibit appendix, a reply in the medical reconsideration matter, and additional notices. The district court considered the filings it determined were procedurally proper and expressly addressed the issues. Due process requires notice and a meaningful opportunity to be heard; it does not guarantee oral argument or live testimony every time a party requests broader relief than the motion requires.

### III. The 15-Minute Call Limitation Was a Reasonable Implementation of Electronic Visitation

Appellant next argues the district court exceeded the relief requested by setting a 15-minute limit on Tuesday and Thursday calls. The argument should be rejected because the call provision was before the court by Appellant's own request. Appellant asked the court to adjust the call schedule from Monday/Friday to Tuesday/Thursday under the current custody framework. (1602 Opposition/Countermotion, prayer at 27:21-26.) The district court granted that

change in part by ordering telephone or Zoom contact on Tuesdays and Thursdays at 7:15 p.m. for 15 minutes. (1622 Order at 31-33.)

A parenting-time court has discretion to implement contact in a way that is workable and child-focused. The Decree gave Appellant the right to calls at specified times but did not define an unlimited duration. (1269 Decree/MSA, Article 9.6.) Once Appellant placed the electronic-contact schedule before the court, the court was not limited to changing only the days while leaving every practical detail unresolved. A 15-minute school-night call is a reasonable implementation provision, not a punitive reduction of parent-child contact.

Appellant characterizes the 15-minute limit as a due-process violation because neither party requested exactly that duration. But courts routinely craft practical implementation terms when resolving visitation disputes. The question is whether the order is within the range of reason and supported by the record, not whether it duplicates the parties' proposed wording. The record included disputes over call timing, monitoring/recording, child distress during calls, and the need for predictability. Under those circumstances, the court acted within its discretion by setting a clear and limited call window.

Even if this Court concludes that the district court should not have imposed a 15-minute limitation because neither party specifically requested that exact duration, that would not support expanding Appellant's electronic visitation beyond

the Decree. At most, the appropriate remedy would be a narrow remand limited to call duration, with the parties remaining under the existing Decree language, which provides for calls on Mondays and Fridays at 7:15 p.m., unless and until the district court modifies that provision after proper notice and an opportunity to be heard. Respondent does not seek affirmative relief beyond affirmance; he simply requests that Appellant not receive expanded or unlimited electronic visitation as a remedy for an alleged procedural error.

### IV. The Winter Break Order Was a Permissible Clarification of an Existing Holiday Provision

Appellant's Winter Break argument rests on treating the word "Wednesday" as if it were independent of the phrase that follows it: "the normal exchange day." It was not. The Decree was drafted when the parties had week-on/week-off custody and Wednesday was the normal exchange day. The phrase "first Wednesday in January, the normal exchange day" functioned because Wednesday was then the exchange day. (1269 Decree/MSA, Article 9.4.7.)

After the January 2, 2025 FFCL, the normal exchange mechanics changed. Appellant's regular parenting time became the first, second, fourth, and fifth weekends from Friday after school or 3:00 p.m. if no school through Monday to school or 9:00 a.m. if no school. (1516 FFCL at 37:7-15.) Respondent's motion asked the court to harmonize that later order with the earlier Winter Break language by tying the end of the second segment to the current Monday

exchange/school-resumption structure rather than to an obsolete Wednesday reference. (1593 Motion at 4-13.)

Respondent's motion was not an advisory request. It was filed because Appellant had already taken the position-again-that she could keep the child through Wednesday, January 7, 2026, under the old Decree wording as though Wednesday were still the normal exchange day. Respondent explained that this position directly conflicted with the current Friday-to-Monday weekend pattern and Monday exchange structure created by the later FFCL. The district court was not required to wait for another failed exchange or school-day conflict before clarifying how its existing orders worked together. (1593 Motion at 3-4, 11-13.)

That is clarification, not improper modification. Respondent did not ask the court to change which parent receives the first or second segment of Winter Break. He did not ask to eliminate Appellant's holiday time. He asked the court to confirm how the existing two-part Winter Break structure operates now that the regular exchange day is no longer Wednesday, and to prevent Appellant from using outdated exchange wording in a manner inconsistent with the current custody order. (1593 Motion at 11-13.)

Appellant relies heavily on an October 15, 2024 trial comment that the Winter Break language was "not ambiguous, just inconvenient." But that comment was made before the January 2, 2025 FFCL changed the baseline schedule. The

later change made the prior Wednesday-based reference outdated as a practical exchange mechanism. The district court was entitled to clarify the interaction between its later order and the earlier Decree.

The February 17 order did not grant Appellant's proposed comprehensive holiday rewrite. It granted the narrow portion of Respondent's motion needed to make Winter Break workable. That ruling is consistent with the district court's continuing authority to interpret and enforce its own orders and should be affirmed.

### V. The Court Properly Denied Appellant's Broad Countermotion to Rewrite Holidays and Modify Legal Custody

The court also properly denied Appellant's November 28, 2025 countermotion. Appellant attempted to convert a narrow Winter Break clarification into a request to revise all holidays, alter video-call provisions, and grant her sole legal custody or medical tie-breaking authority. (1602 Opposition/Countermotion at 2:1-24.) The district court was not required to accept that expansion of the issues.

Appellant argues that the current holiday structure is unfair because the custody schedule changed. But the January 2, 2025 FFCL expressly preserved the holiday/vacation timeshare status quo while awarding Respondent primary physical custody. (1516 FFCL at 37:14-15.) If Appellant wanted a full holiday modification, she had the burden to make the required legal and factual showing

for that relief. Her dissatisfaction with the practical result of the primary-custody order does not automatically entitle her to a comprehensive holiday rewrite.

The district court reasonably declined to adopt Appellant's broad proposed holiday schedule while the primary custody order was on appeal in Case No. 90570. Appellant's proposal was not a mere clarification. It would have reallocated holidays across the entire year and affected Respondent's limited weekend time. The court could permissibly deny that relief while still granting the narrow clarification necessary to administer Winter Break under the current order.

The same is true of legal custody. Appellant's countermotion again sought sole medical/dental authority or tie-breaking authority despite the August 29 order denying her earlier request and the pending reconsideration motion. The court did not abuse its discretion by refusing to grant a second, expanded request for the same type of relief without adequate cause.

### VI. The Court Properly Denied Reconsideration of the Medical Decision-Making Order

Appellant argues that the district court applied the wrong legal standard to the orthodontic dispute. The record shows otherwise. The August 29 order first addressed whether Appellant had established adequate cause to modify legal custody, then separately applied Kelley to the medical tie-break question. (1568 Order at 7-11.) The February 17 order specifically found that the August 29 order contained findings on each Kelley factor and that Appellant's request for sole legal

custody under those factors was denied because she failed to establish a prima facie case. (1622 Order at 10-11.)

Under Kelley, when parents with joint legal custody disagree about a medical decision, the district court determines which course of action is in the child's best interest by considering nonexclusive factors including seriousness of harm, the medical professional's recommendation, risks of treatment, and the child's preference if the child is of sufficient age and capacity. *Kelley v. Kelley*, 139 Nev. 359, 366, 535 P.3d 1147, 1154 (2023).

The August 29 order made those findings. It found Appellant failed to demonstrate the child was suffering serious harm or faced a substantial likelihood of serious harm if the parties waited and monitored the child's oral development. It found the orthodontist's recommendation was tempered by the provider's statement that monitoring was reasonable and that Phase I was not medically necessary. It found neither party provided evidence of risks involved in treatment. It found the nine-year-old child was not of sufficient age and capacity to form an intelligent preference. (1568 Order at 8-11.)

Appellant's reconsideration motion did not present materially different evidence. It reargued that the July 28 provider email was important because the provider did not recommend delay. But the same email also stated Phase I treatment was preventative and not medically necessary. (1578 Motion to

Reconsider at 3-4; 1622 Order at 11-13.) The district court expressly found it had considered that evidence and that Appellant had not shown the August 29 order was clearly erroneous, unsupported by substantial evidence, or against the clear weight of evidence. (1622 Order at 11-13.)

Reconsideration is not a vehicle for a disappointed party to reargue evidence already considered. *Masonry & Tile Contractors Assn. of S. Nev. v. Jolley, Urga & Wirth Ltd.*, 113 Nev. at 741, 941 P.2d at 489. The district court acted well within its discretion in denying reconsideration.

### VII. The Pending Appeal in Case No. 90570 Did Not Deprive the District Court of Authority to Clarify and Enforce Current Orders

Appellant finally argues that the district court lacked authority to enter the February 17 order because Case No. 90570 was pending. This argument is internally inconsistent and legally overbroad. Appellant herself asked the district court to revise all holidays, alter video calls, and modify legal custody while that appeal was pending. She cannot request broad relief from the district court and then claim the same court lacked authority because it denied most of her requested relief and granted only a narrow clarification.

Mack-Manley and Huneycutt stand for the principle that a district court may not materially alter the issues pending on appeal without proper procedure. They do not strip the district court of all power to administer post-decree family matters, clarify existing orders, enforce current orders, deny motions, or resolve issues

collateral to the pending appeal. Family court orders must still function while an appeal is pending, especially where the child's day-to-day schedule requires clear implementation.

The February 17 order did not reverse the January 2, 2025 primary-custody order or decide the merits of Case No. 90570. It applied the current order. The Winter Break clarification harmonized the current Monday exchange schedule with an older Decree provision. The call order implemented electronic contact while the current schedule remained in effect. The denial of Appellant's broader holiday and legal-custody countermotion preserved the status quo rather than changing it.

If anything, Appellant's jurisdiction argument supports affirmance of the denial of her countermotion. Her requested holiday rewrite and legal custody modification would have gone much further than the narrow clarifications she challenges. The district court properly refused to make those broader changes.

For these reasons, the pending appeal in Case No. 90570 does not require reversal. The district court retained authority to clarify and enforce its current orders and to deny unsupported post-decree motions.

## CONCLUSION

The district court carefully managed multiple post-decree disputes arising from the parties' existing orders. It denied Appellant's reconsideration motion after finding no clear error or new evidence; denied her broad countermotion to revise

all holidays and modify legal custody; reasonably implemented electronic contact; and clarified Winter Break so the existing two-part provision operates with the current Monday-based exchange schedule.

Respondent respectfully requests that this Court affirm the February 17, 2026 order in all respects and deny Appellant's request for reversal or remand.

If this Court determines that any portion of the electronic-visitation ruling should be reversed or remanded, Respondent respectfully requests that any remand be limited to that issue and that the parties remain governed by the Decree's original Monday/Friday call provision unless and until the district court properly modifies it.

DATED this 11th day of June, 2026.

*/s/ Enrique Ivan Velazquez-Gonzalez*
ENRIQUE IVAN VELAZQUEZ-GONZALEZ
Respondent in Proper Person

## CERTIFICATE OF COMPLIANCE

I hereby certify that I have read this Respondent's Fast Track Answering Brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.

I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, including NRAP 28(e).

I further certify that this brief complies with the formatting requirements of NRAP 32(a)(4)-(6) because it is prepared on 8 1/2 by 11-inch paper, is double-spaced except where permitted by rule, uses margins of at least 1 inch on all sides, and is set in Times New Roman 14-point, a proportionally spaced typeface, in plain roman style except for permitted emphasis and italicized case names.

I further certify that this brief complies with the type-volume limitation of NRAP 32(a)(7) because, excluding the parts exempted by NRAP 32(a)(7)(C), it contains 3981 words.

DATED this 11th day of June, 2026.

*/s/ Enrique Ivan Velazquez-Gonzalez*
ENRIQUE IVAN VELAZQUEZ-GONZALEZ
Respondent in Proper Person

## CERTIFICATE OF SERVICE

I certify that on this 11th day of June, 2026, I served a true and correct copy of the foregoing Respondent's Fast Track Answering Brief by the Supreme Court of Nevada's electronic filing/service system on Appellant Luba Snow Dace, who is registered for electronic service in this matter, and/or by any additional method required by the Court.

DATED this 11th day of June, 2026.

*/s/ Enrique Ivan Velazquez-Gonzalez*
ENRIQUE IVAN VELAZQUEZ-GONZALEZ
Respondent in Proper Person