IN THE SUPREME COURT OF THE STATE OF NEVADA

LUBA SNOW DACE fka
LUBA GONZALEZ

Appellant,

v.

ENRIQUE IVAN VELAZQUEZ-GONZALEZ

Respondent.

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

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

APPEAL FROM FEBRUARY 17, 2026 COMBINED POST-DECREE ORDER GRANTING IN PART DEFENDANT'S MOT TO CLARIFY WINTER BREAK HOLIDAY PROVISION AND DENYING PLAINTIFF'S CMOT TO REVISE ALL HOLIDAY PROVISIONS AND TO MODIFY LEGAL CUSTODY & ORDER DENYING MOTION FOR RECONSIDERATION

Eighth Judicial District Court of the State of Nevada
In and for the County of Clark
THE HONORABLE HEIDI ALMASE
DISTRICT COURT JUDGE

APPELLANT'S FAST TRACK REPLY BRIEF

Luba Snow Dace
[redacted]
Pro Per

I. NRAP 26.1 DISCLOSURE STATEMENT

Appellant Luba Snow Dace is an individual and is not a nongovernmental corporate party. Accordingly, no disclosure is required under NRAP 26.1(a).

Dated this 18th day of June 2026.

/s/Luba Snow Dace
LUBA SNOW DACE
[redacted]
Las Vegas NV, 89178
[redacted]
In Proper Person

II. ARGUMENT

A. RESPONDENT'S ANSWERING BRIEF CONFIRMS THAT THE DISTRICT COURT ALTERED OPERATIVE RIGHTS WITHOUT NOTICE, HEARING, OR AUTHORITY TO MATERIALLY MODIFY OVERLAPPING ISSUES

Respondent repeatedly characterizes the February 17, 2026, order as merely "implementing" or "clarifying" existing provisions. (Ans. Br. 5-7, 10-18.) Yet Respondent's own descriptions confirm that the district court altered operative rights affecting Winter Break, electronic visitation, and issues intertwined with legal custody.

Respondent's brief does not defend the order actually entered. Rather, it attempts to justify a narrower order the district court could have entered. Respondent concedes as much: if this Court disagrees with the fifteen-minute limitation, Respondent asks that any remedy be "limited to that discrete issue" and that the parties revert to the Decree's original Monday/Friday call provision, not that the order as entered be affirmed. (Ans. Br. 11-12, 19.) Respondent cannot simultaneously defend the order he received below and ask this Court, in the alternative, to rewrite it into something narrower.

Respondent's answering brief repeatedly supplies explanations and justifications that do not appear in the February 17, 2026, order itself. The issue before this Court is not whether Appellant was automatically entitled to every form

of relief she requested. Rather, the issue is whether the district court could materially alter parent-child contact and holiday provisions without proper notice, findings, an evidentiary hearing where required, as applicable, and authority to modify matters overlapping with the pending appeal.

B. THE FIFTEEN-MINUTE LIMIT ON ELECTRONIC CONTACT WAS UNREQUESTED RELIEF

Respondent concedes that Appellant requested different call days. (Ans. Br. 10.) Respondent does not contend that either party requested a fifteen-minute limitation.

Changing call days is not the same as restricting duration.

The February 17, 2026, order imposed a new limitation that neither party requested and reduced Appellant's contact with [redacted] without notice that duration was at issue. (*1622 Order*, p. 31:12-22.)

Respondent asserts that the record included disputes over call timing, monitoring, recording, child distress, and predictability. (Ans. Br. 11.) However, Respondent identifies no finding in the February 17, 2026, order that Appellant's calls harmed [redacted] that a fifteen-minute limitation was necessary, or that call duration was properly noticed as an issue before the court.

Respondent's request that any remand be limited to the call-duration issue confirms that the duration limitation constituted an independent provision entered by the district court. (Ans. Br. 11-12.)

A court may craft practical parenting-time terms when an issue is properly before it, but due process does not permit an unrequested restriction on parent-child contact based on factual assertions not tested by notice, evidence, or findings. Respondent's own characterization confirms what is at stake: he describes the limitation as a "reasonable implementation provision, not a punitive reduction of parent-child contact." (Ans. Br. 11.) But Appellant's verified filings — unaddressed anywhere in Respondent's brief — describe a schedule in which Appellant has approximately seven days of in-person time each month against Enrique's twenty-three, with stretches of up to twelve consecutive days without in-person contact during which Enrique permits as few as three calls. (*1602 Opp./CMOT* at pp. 12:22-28, 13:1-5.) Whether a flat fifteen-minute ceiling is punitive or merely administrative against that backdrop is exactly the kind of factual question that required notice and, if disputed, an evidentiary hearing — not a finding entered for the first time in the order itself.

Remedy. This Court should reverse or vacate the fifteen-minute electronic-visitation limitation and remand for reconsideration only after proper notice, findings, and, if material facts remain disputed, an evidentiary hearing.

C. THE WINTER BREAK ORDER WAS A MODIFICATION, NOT A CLARIFICATION

Respondent argues that changing the Winter Break endpoint from Wednesday to Monday merely harmonized the Decree with the January 2, 2025, Findings of Fact, Conclusions of Law, and Orders. (Ans. Br. 12-14.)

That argument is internally inconsistent.

Respondent repeatedly relies upon preservation of holiday and vacation timeshare status quo. (Ans. Br. 14-15.) If the holiday and vacation provisions were preserved, the district court could not materially alter the Winter Break endpoint under the guise of clarification.

Respondent emphasizes that Wednesday was formerly the "normal exchange day." (Ans. Br. 12-13.) The Decree expressly provides "the first Wednesday in January, the normal exchange day." (*1269 Decree/MSA*, ¶ 9.4.7, pp. 11-12.) That a different day later became the routine exchange day under the FFCL does not, by itself, convert the Decree's bargained-for holiday date into an open variable the district court could redefine without notice.

The February 17, 2026, order did not merely "clarify" Winter Break. The court stated that "the parties AGREE" on the Winter Break terms and expressly "GRANTS the STIPULATION of the parties" before ordering that the Winter Break provision "SHALL be modified." (*1622 Order*, p. 22:12-23, p. 32:5-20.)

This matters because the district court did not simply interpret ambiguous language; it expressly modified Winter Break "pursuant to the STIPULATION of the parties." If no stipulation existed, then the order cannot be affirmed on that stated basis.

The record demonstrates the opposite of a stipulation. Luba opposed Enrique's motion and asked that it be denied in its entirety. (*1602 Opposition/Countermotion*, p. 2:18-20.) She argued that the existing holiday provisions should be addressed comprehensively under the current custody framework, submitted a proposed revised holiday schedule, and maintained that Winter Break could not properly be rewritten in isolation. (*1602 Opposition/Countermotion*, pp. 24:20-28, 25:1-28, 26:1-6; *1603* Pltf.'s Ex. 8, Bates 024-027.) Enrique, in turn, expressly rejected Luba's proposed revisions and stated that he did "not agree to stipulate" to them. (*1603* Pltf.'s Ex. 10, Bates 076.) Thus, the record contains no written stipulation, no oral stipulation placed on the record, and no mutual agreement concerning the Winter Break endpoint.

Respondent's answering brief does not meaningfully defend the district court's express finding that the modification was based upon a stipulation. Instead, Respondent characterizes the issue as a unilateral "clarification" of outdated language. (Ans. Br. 12-14.) At minimum, Respondent's failure to defend the order's express stipulation finding leaves unrebutted Appellant's argument that the

district court relied upon a nonexistent agreement. The Court should not affirm a substantive modification entered "pursuant to the STIPULATION of the parties" where the record reflects a live dispute and the answering brief itself does not defend the existence of any stipulation.

Respondent also asserts that the Winter Break issue was not hypothetical because Appellant allegedly intended to keep [redacted] through Wednesday, January 7, 2026. (Ans. Br. 3, 13.) But the February 17, 2026, order contains no finding that Appellant violated an existing order, acted in bad faith, or created an emergency. Respondent's characterization cannot substitute for findings, particularly where the order expressly modified Winter Break based on a nonexistent stipulation.

Replacing Wednesday with Monday shortened Appellant's holiday time and altered the operative effect of the Decree. (*1622 Order*, p. 22:12-23; p. 32:5-20.) The fact that a later custody order changed regular weekly exchanges does not automatically rewrite a preserved holiday provision. If the court believed the preserved holiday language no longer worked under the new schedule, the proper remedy was a noticed modification with findings, not a retroactive "clarification" that changed the endpoint of Appellant's Winter Break time. The Decree's own structure confirms this hierarchy: the regular visitation schedule is expressly "superseded by holiday, vacation, or other special custody times," not the reverse. (*1269 Decree/MSA*, ¶ 9.3, p. 9.) Respondent's harmonization theory inverts that

relationship, letting a later change to the regular exchange day override a separately negotiated holiday term instead of yielding to it.

Even if this Court does not order adoption of Appellant's proposed comprehensive holiday schedule, it should not affirm a one-sided, piecemeal Winter Break modification while leaving unaddressed the broader holiday framework that was drafted for a different custody schedule.

Such a change constitutes a modification rather than an interpretation or clarification.

Remedy. This Court should reverse or vacate the Winter Break modification, including the finding that the parties stipulated to the change, and remand for proper notice, findings, and, if necessary, an evidentiary hearing on any proposed modification to the holiday/vacation schedule.

D. THE DISTRICT COURT'S AUTHORITY WAS LIMITED BY THE PENDING APPEAL

Respondent argues that Appellant invited error because she also sought relief while Case No. 90570 was pending. (Ans. Br. 17.)

The issue, however, is not waiver. The issue is whether the district court had authority to materially modify custody or visitation terms overlapping with the pending appeal.

Although a district court retains authority to enforce existing orders, it may not materially alter issues involved in a pending appeal. *Mack-Manley v. Manley*, 122 Nev. 849, 855-56, 138 P.3d 525, 529-30 (2006); *Huneycutt v. Huneycutt*, 94 Nev. 79, 81, 575 P.2d 585, 586 (1978). That overlap is not abstract here: the order itself confirms that Appeal No. 90570 is taken from the January 2, 2025, Findings of Fact, Conclusions of Law and Order and the April 11, 2025, order denying reconsideration of it — the very orders that changed the regular exchange day from Wednesday to Monday and that Respondent's Winter Break motion relied on to justify the challenged modification. (*1622 Order*, p. 4:2-7.)

Respondent repeatedly characterizes the challenged rulings as "clarifications" and "implementation." (Ans. Br. 5-7, 10-18.) Yet changing the Winter Break endpoint and imposing a new fifteen-minute limitation altered the practical operation of existing custody and visitation provisions.

Respondent's invited-error argument does not cure the jurisdictional problem. If the district court's authority was limited by the pending appeal, Appellant's request for relief could not expand that authority. At most, the court could deny relief it lacked authority to grant; it could not use the pending motions as a basis to materially modify overlapping parenting-time provisions.

Respondent cannot simultaneously argue that these changes were substantial enough to resolve active disputes while maintaining they were too insignificant to constitute modifications.

Respondent does not dispute the general rule from *Huneycutt* and *Mack-Manley*. Instead, Respondent argues the February 17, 2026 order merely clarified or enforced existing orders. (Ans. Br. 17-18.) That is why the characterization of the challenged rulings matters. If the Winter Break and electronic-visitation provisions were true enforcement or collateral clarification orders, Respondent's argument might have force. But the order expressly modified Winter Break and imposed a new fifteen-minute limitation on electronic visitation. Those are substantive parenting-time/contact changes, not mere enforcement of existing orders.

Remedy. This Court should vacate the portions of the February 17, 2026, order that materially modified Winter Break or electronic visitation while Appeal No. 90570 was pending, unless this Court determines those rulings were collateral enforcement matters rather than substantive modifications.

E. RESPONDENT'S ADEQUATE-CAUSE ARGUMENT DOES NOT ANSWER APPELLANT'S DUE-PROCESS CLAIM

Respondent relies heavily on *Rooney* and *Myers*. (Ans. Br. 8-10.)

Appellant does not contend that every post-decree motion automatically requires an evidentiary hearing.

Rather, Appellant argues that the district court denied a hearing while simultaneously entering adverse substantive provisions affecting holiday time and parent-child communication.

Respondent's adequate-cause argument fails for two independent reasons. First, adequate-cause screening cannot justify substantive relief entered against Appellant without proper notice, including the fifteen-minute electronic-visitation limitation and the Winter Break modification. Second, as to the relief Appellant did request, her verified filings and exhibits identified concrete disputes concerning the existing holiday framework, the parties' joint-legal medical impasse, and the practical effect of the current schedule on parent-child contact. Those issues were not merely unsupported requests for broad modification; they were disputed parenting-time and joint-legal-custody issues requiring either proper findings under the correct legal standard or, where material facts remained disputed, an evidentiary hearing.

Indeed, Respondent does not defend the fifteen-minute limitation or the Winter Break modification under *Rooney or Myers* at all — his own brief defends those provisions separately, under an "implementation" theory for the call limit and a "clarification" theory for Winter Break. (Ans. Br. 10-18.) That separation confirms

the point: Respondent's adequate-cause argument does not answer whether the district court could enter new, unrequested restrictions without notice or findings, nor does it answer whether Appellant's verified allegations required proper findings or a hearing on the requested medical and holiday issues. Respondent's reliance on *Rooney and Myers* therefore answers a different question than the one Appellant raises here.

Rooney and *Myers* allow a district court to screen unsupported custody-modification requests, but they do not allow the court to resolve material factual disputes, make adverse substantive parenting-time changes, or bypass *Kelley* when a present medical impasse exists under joint legal custody.

Neither *Rooney* nor *Myers* authorizes substantive modifications through an implementation order.

Remedy. This Court should vacate the challenged provisions entered without proper procedure and remand for further proceedings if the district court determines modification of holiday time, electronic visitation, or legal custody remains at issue.

F. THE MEDICAL ISSUE WAS NOT MERELY A REQUEST TO MODIFY LEGAL CUSTODY

Respondent repeatedly characterizes Appellant's position as a request for sole legal custody or tie-breaking authority. (Ans. Br. 14-16.)

However, *Kelley v. Kelley* recognizes that when parents sharing joint legal custody disagree regarding medical treatment, the district court must determine which course of action serves the child's best interests. *Kelley v. Kelley*, 139 Nev. 359, 366, 535 P.3d 1147, 1154 (2023).

The issue was not simply whether Appellant established adequate cause to modify legal custody. Rather, the issue was whether the district court correctly applied *Kelley* to the orthodontic dispute.

The problem is not that the February 17, 2026, order failed to recite the *Kelley* factors. The problem is that the court's findings did not meaningfully resolve the medical impasse under *Kelley.* Reciting *Kelley* factors is not the same as applying *Kelley* to decide which disputed medical course serves the child's best interests. Respondent's argument therefore fails because it treats the existence of factor headings or factor references as a substitute for an actual best-interest resolution of the disputed treatment decision.

The order found that [redacted] received dental work in what "appears" to be a reasonably timely manner and that neither party provided evidence of serious harm**.** (*1622 Order*, p. 29:3-15.) But those findings do not answer whether the delayed or disputed treatment decisions were in [redacted] best interests, whether provider recommendations were properly weighed, or whether joint legal custody could function when one parent could cancel, delay, or redirect treatment over the

other parent's objection. Indeed, the order itself found that "neither party provided an evaluation or recommendation by a medical professional." (*1622 Order*, p. 29.) That finding is incorrect, or at minimum unresolved: the record includes an orthodontist's June 10, 2025, letter setting out treatment recommendations and the consequences of delay. (*1552 Pltf*. Ex. 1.) Whichever way that conflict should come out, Kelley required the district court to resolve it on the merits, not overlook it.

Respondent asserts that the recommended treatment was merely "preventative." (Ans. Br. 4, 16.) But that characterization does not resolve whether delaying treatment served [redacted] best interests, nor does it answer Appellant's arguments concerning the medical evidence and provider recommendations. A treatment may be described as preventative and still require a best-interest determination when the parents disagree about whether delay, monitoring, imaging, provider selection, or treatment should proceed.

Respondent also repeatedly frames the issue as though Appellant sought a wholesale reallocation of legal custody. (Ans. Br. 14-16.) Yet the existence of broader custody requests does not eliminate the district court's obligation under *Kelley* to resolve a present medical disagreement in the child's best interests. Nor does Respondent identify any finding in the February 17, 2026, order explaining why delaying treatment was in [redacted] best interests or why the

recommendations of the treating providers should be rejected. Appellate arguments supplied after the fact cannot substitute for findings actually made by the district court.

Respondent's characterization of the treatment as "preventative" is itself an advocacy argument, not a finding contained in the order below. The issue on appeal is whether the district court's decision and findings support its ruling, not whether Respondent's after-the-fact appellate characterization can provide additional explanations that do not appear in the order.

Neither *Kelley* nor the adequate-cause cases permit a district court to avoid addressing an active medical dispute by simply recasting it as a request for sole legal custody.

Respondent relies on *Masonry & Tile* for the general proposition that reconsideration is not a vehicle to reargue evidence already considered. (Ans. Br. 16-17.) Appellant does not dispute that general rule. The issue is that Appellant's reconsideration motion identified legal error in the standard applied to a present joint-legal medical impasse and challenged whether the court's findings meaningfully applied *Kelley* to the disputed treatment decision. That is not merely a request to reweigh evidence; it is a challenge to whether the court used the correct legal framework and made findings sufficient to resolve the medical impasse under *Kelley*.

A motion for reconsideration may address clear error, material legal error, or a decision unsupported by substantial evidence. Thus, Respondent's "re-argument" label does not answer Appellant's argument that the court applied the wrong legal framework and failed to resolve the medical dispute under *Kelley*.

Remedy. This Court should reverse or vacate the district court's resolution of the orthodontic dispute and remand for application of the best-interest analysis required by *Kelley*, together with appropriate findings supported by the record.

G. RESPONDENT'S FACTUAL ASSERTIONS AND CHARACTERIZATIONS DO NOT CURE THE LACK OF FINDINGS

Respondent relies on appellate characterizations such as "comprehensive rewrite," "broadest relief," alleged call disputes, and alleged anticipated conduct. (Ans. Br. 3, 6, 9, 11, 13-14.) Those assertions do not cure missing findings in the February 17, 2026, order. The challenged rulings must be reviewed based on the order actually entered and the record properly before the district court, not new appellate labels supplied after the fact.

III. CONCLUSION

Respondent's answering brief confirms that the district court changed operative holiday and communication rights while characterizing those changes as mere clarification and implementation.

Appellant respectfully requests that this Court reverse or vacate the challenged portions of the February 17, 2026, order, including:

(a) the fifteen-minute electronic-visitation limitation;

(b) the Winter Break modification and the finding that the parties stipulated to that modification;

(c) the denial of Appellant's requested medical decision-making relief, to the extent the district court failed to apply *Kelley* to the present joint-legal medical impasse or resolved disputed medical facts without an evidentiary hearing; and

(d) the denial of Appellant's broader holiday-schedule relief, to the extent the district court permitted a piecemeal Winter Break modification while refusing to address the broader holiday framework created for a different custody schedule.

Appellant further requests that, to the extent the challenged provisions materially modified custody or visitation terms overlapping with Appeal No. 90570 while that appeal remained pending, this Court vacate those provisions on that independent jurisdictional basis as well.

Appellant further requests remand for proper notice, findings, and, where material facts remain disputed, an evidentiary hearing consistent with due process and Nevada law.

Appellant further requests such other and further relief as this Court deems just and proper.

DATED this 18th day of June 2026.

/s/Luba Snow Dace
LUBA SNOW DACE
[redacted]
Las Vegas NV, 89178
[redacted]
In Proper Person

CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type-style requirements of NRAP 32(a)(6). This brief was prepared in Microsoft Word using Times New Roman, 14-point, proportionally spaced typeface.
2. I further certify that this brief complies with the **type-volume limitation applicable to a fast-track reply brief.** Excluding the parts of the brief exempted by NRAP 32(a)(7)(C), this brief contains 3523 words.
3. I certify that I have read this brief and, to the best of my knowledge, information, and belief, it is not frivolous and is not interposed for any improper purpose. I further certify that this brief complies with the Nevada Rules of Appellate Procedure, including NRAP 28(e)(1), **which requires appropriate references to the record for assertions regarding matters in the record.** I understand that I may be subject to sanctions if this brief is not in conformity with the Nevada Rules of Appellate Procedure.

Dated this 18th day of June 2026.

/s/Luba Snow Dace

LUBA SNOW DACE

[redacted]

In Proper Person

CERTIFICATE OF SERVICE

I certify that on this 18th day of June 2026, I served a copy of this **APPELLANT'S FAST TRACK REPLY BRIEF** upon all parties to the appeal as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

ENRIQUE IVAN VELAZQUEZ-GONZALEZ
[redacted]

Dated this 18th day of June 2026.

/s/Luba Snow Dace
LUBA SNOW DACE
In Proper Person