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2008 JUL 30 PM 4:40

CLERK OF DISTRICT COURT

C. Parsby

1 CODE 1670  
2 ERIK FITTING, ESQ.  
3 Nevada Bar No. 7336  
4 9421 Crown Vista Lane  
5 Las Vegas, NV 89117  
6 Telephone: (702) 312-6965  
7 Facsimile: (702) 212-8086  
8 Attorney for Eloisa Besada Furer

9 IN THE FAMILY DIVISION  
10 IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
11 IN AND FOR THE COUNTY OF WASHOE

12 ANDREW EARL FURER

13 Plaintiff,

14 vs.

15 ELOISA BESADA FURER,

16 Defendants.

)  
)  
)  
) CASE NO.: FV04-04071  
) DEPT NO.: 11  
)  
) **EX PARTE EMERGENCY MOTION FOR**  
) **HEARING DE NOVO ON APPLICANT'S**  
) **MOTION FOR ORDER TO SHOW**  
) **CAUSE WHY ADVERSE PARTY**  
) **SHOULD NOT BE HELD IN CONTEMPT**  
) **AND A WARRANT ISSUED FOR HER**  
) **ARREST**

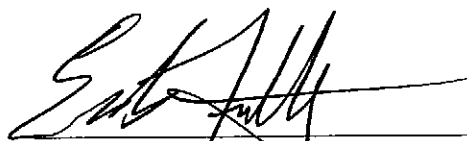
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21 COMES NOW, ERIK FITTING, ESQ. of the law firm ERIK FITTING &  
22 ASSOCIATES, LTD., hereby files this *EX PARTE* EMERGENCY MOTION FOR  
23 HEARING DE NOVO ON APPLICANT'S MOTION FOR ORDER TO SHOW CAUSE  
24 WHY ADVERSE PARTY SHOULD NOT BE HELD IN CONTEMPT AND A WARRANT  
25 ISSUED FOR HER ARREST, and hereby moves this Court to issue an emergency order,  
26 without notice to Applicant Andrew Earl Furer granting the above stated Motion and  
27 vacating the proceedings of July 24, 2008 in their entirety.  
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1 An Order on this Motion should be granted because the hearing of July 24, 2008 on  
2 the Applicant's Motion to Show Cause should not have been heard over objection on the  
3 record before the District Court Master (Carol Cooke) in accordance with NRS 22.030(3),  
4 because the findings of the Master were Clearly Erroneous and completely unsupported by  
5 the evidence presented or the existing record in the case in violation of SCR 52(a) and NRC  
6 53(e)(2), and because immediate and irreparable harm would result in the adoption and  
7 imposition of the Sanctions recommended by the hearing Master.  
8

9  
10 This Motion should be granted without notifying the other party because the Adverse  
11 Party has NEVER taken any action that could even remotely be categorized as an act of  
12 "domestic violence" against the Applicant, the Adverse Party will otherwise be deprived of  
13 her freedom on the Clearly Erroneous findings of a District Court Master that did not have  
14 the legal authority to preside over the Contempt hearing, and the adoption and imposition of  
15 the Master's Sanctions by this Court would cause immediate and irreparable injury to the  
16 Adverse Party without even the benefit of due process of law (being able to testify in her own  
17 defense).  
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20 DATED this 27<sup>th</sup> day of July, 2008.  
21

22 ERIK FITTING & ASSOCIATES, LTD.  
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26 ERIK FITTING, ESQ.  
27 Nevada Bar No. 7336  
28 9421 Crown Vista Lane  
29 Las Vegas, NV 89117  
30 Telephone: (702) 312-6965  
Facsimile: (702) 212-8086  
Attorney for Eloisa Besada Furer


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3 **AFFIDAVIT OF ERIK FITTING, ESQUIRE**  
4

5 STATE OF NEVADA            )  
6                                    ) ss:  
7 COUNTY OF CLARK            )

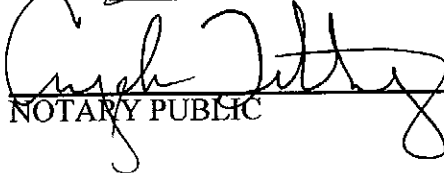
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9 ERIK FITTING, Esquire being first duly sworn, deposes and says:

- 10 1. I am an attorney with the law firm of ERIK FITTING & ASSOCIATES,  
11 LTD., and licensed to practice law in the State of Nevada;  
12 2. I was retained by the Adverse Party ELOISA BESADA FURER to represent  
13 her interest in connection with the above-captioned matter on or about July  
14 24, 2008;  
15 3. I have read this document and the contents are true and correct of my own  
16 personal knowledge, except for those stated on information and belief;  
17 4. That this Motion is being made in good faith and not for purpose of delay.



  
Erik Fitting, Esq.  
Nevada Bar No. 7336  
9421 Crown Vista Lane  
Las Vegas, NV 89117  
Telephone: (702) 312-6965  
Facsimile: (702) 212-8086  
Attorney for Eloisa Besada Furer

Subscribed and Sworn to before  
me this 27 day of July, 2008.

  
NOTARY PUBLIC

1 CERTIFICATE OF SERVICE

2 I hereby certify that service of the foregoing EX PARTE EMERGENCY MOTION  
3 FOR HEARING DE NOVO ON APPLICANT'S MOTION FOR ORDER TO SHOW  
4 CAUSE WHY ADVERSE PARTY SHOULD NOT BE HELD IN CONTEMPT AND A  
5 WARRANT ISSUED FOR HER ARREST was made this date by facsimile and by  
6 depositing a copy for mailing, first class mail, postage prepaid, at Las Vegas, Nevada, to the  
7 following:  
8

9  
10 Shawn B. Meador, Esquire  
11 WOODBURN AND WEDGE  
12 6100 Neil Road, Suite 500  
13 Post Office Box 2311  
Reno, Nevada 89505

14 Kent R. Robinson, Esquire  
15 ROBINSON, BELAUSTEGUI, SHARP & LOW  
16 71 Washington Street  
Reno, Nevada 89503

17 Eloisa Besada Furer  
18 9812 Winter Palace Drive  
19 Las Vegas, Nevada 89145  
20

21 DATED this 27<sup>th</sup> day of July, 2008.

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23 \_\_\_\_\_  
24 An employee of ERIK FITTING & ASSOCIATES, LTD.  
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SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

EX PARTE Motion For Hearing De Novo on Applicant's  
Motion for order to show cause...  
(Title of Document)

filed in case number: FV04-04071

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: July 27, 2008

  
(Signature)

Elvira Besada Forer  
(Print Name)

Elvira Besada Forer  
(Attorney for)





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ERIK FITTING & ASSOCIATES, LTD.



ERIK FITTING, ESQ.  
Nevada Bar No. 7336  
9421 Crown Vista Lane  
Las Vegas, NV 89117  
Telephone: (702) 312-6965  
Facsimile: (702) 212-8086  
Attorney for Eloisa Besada Furer

**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing **REQUEST FOR SUBMISSION** was made this date by facsimile and by depositing a copy for mailing, first class mail, postage prepaid, at Las Vegas, Nevada, to the following:

Shawn B. Meador, Esquire  
WOODBURN AND WEDGE  
6100 Neil Road, Suite 500  
Post Office Box 2311  
Reno, Nevada 89505

Kent R. Robinson, Esquire  
ROBINSON, BELAUSTEGUI, SHARP & LOW  
71 Washington Street  
Reno, Nevada 89503

Eloisa Besada Furer  
9812 Winter Palace Drive  
Las Vegas, Nevada 89145

DATED this 27<sup>th</sup> day of July, 2008.



An employee of ERIK FITTING & ASSOCIATES, LTD.

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**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE, STATE OF NEVADA**

**AFFIRMATION  
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

Request For Submission

(Title of Document)

filed in case number: FV04-04071

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-OR-

For the administration of a public program

-OR-

For an application for a federal or state grant

-OR-

Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: July 27th, 2008

  
(Signature)

ERIK FILING  
(Print Name)

Elisa Berada Furer  
(Attorney for)

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

\*\*\*


Andrew Earl Furer )  
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 )  
 )  
Eloisa <sup>vs.</sup> Bosada Furer )  
 )  
 )  
 )

FAMILY COURT MOTION/OPOSITION NOTICE (REQUIRED)
CASE NO. <u>FV04-04871</u>
DEPT. NO. <u>11</u>

**NOTICE:** THIS MOTION/OPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an <b>X</b> .	YES	NO
	1. Has a final decree or custody order been entered in this case? If <b>yes</b> , then continue to Question 2. If <b>no</b> , you do not need to answer any other questions.		<input checked="" type="checkbox"/>
	2. Is this a motion or an opposition to a motion filed to change a final order? If <b>yes</b> , then continue to Question 3. If <b>no</b> , you do not need to answer any other questions.		
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		
	<b>IF</b> the answer to Question 4 is <b>YES</b> , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered <b>NO</b> to either Question 1 or 2 or <b>YES</b> to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: July 27, 2008 Signature:   
 Print Name: Erik Furer  
 Print Address: 9421 Crown Vista Lane  
Las Vegas, NV 89117  
 Telephone Number: 702 312 6965