

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEBASTIAN MARTINEZ,  
Appellant,  
vs.  
KRISTI RAE FREDIANELLI;  
ANTHONY FREDIANELLI; AND  
MIKAELLA RAE FLANNERY, AKA  
MIKAELLA RAE FREDIANELLI, A  
MINOR, BY NEVADA STATE  
WELFARE, AS GUARDIAN AD LITEM,  
Respondents.

No. 55073

**FILED**

**AUG 27 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

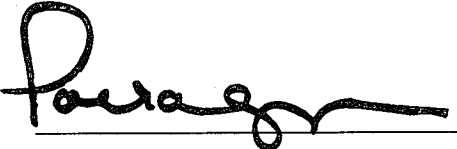
ORDER DIRECTING RESPONSE

On August 10, 2010, this court entered an order directing the clerk of this court to amend the caption, and directed the parties to file their objections, if any, to the amended caption. The objections, if any, were due in this court no later than August 20, 2010. Because no objections have been filed, this court presumes that the appropriate parties are included in this appeal.

Based upon our review of the civil proper person appeal statement and the documents transmitted to this court as part of this appeal, we conclude that a response is warranted. Accordingly, each respondent shall have 30 days from the date of this order to file and serve a response, including points and authorities, addressing whether the district court properly dismissed appellant's original and amended petition due to appellant's alleged failure to timely serve respondent Anthony Fredianelli with a copy of the petitions. Respondents' responses shall discuss, but are not limited to, (1) whether Mr. Fredianelli was properly served with the original and amended petitions as indicated by appellant's proof of service that was filed on December 11, 2007, and it appears that Mr. Fredianelli failed to ever challenge that service of process; (2) whether

Mr. Fredianelli waived any right to contest whether service of process was timely when his June 30, 2009, "Answer to Amended Petition to Establish Paternity and Reservation of Right to File a Counterclaim" did not assert as an affirmative defense the issue of untimely service of process and his motion to dismiss was not filed until July 17, 2009; (3) whether Mr. Fredianelli's right to challenge the alleged untimely service of process was preserved when he filed an amended answer on July 16, 2009, that included, as an affirmative defense, a challenge to the purportedly invalid service of process; and (4) even if Mr. Fredianelli did not initially waive his right to challenge the allegedly ineffective service of process, did he nonetheless waive the right to challenge the service of process when Mr. Fredianelli filed a response to appellant's motion requesting a change in custody evaluator or when Mr. Fredianelli issued subpoenas to Coral Academy of Science and Green Valley Christian School. The responses should also address the arguments made in appellant's civil proper person appeal statement. Respondents' responses shall not exceed ten pages plus the attorney's certificate required by NRAP 28.2. The responses need not include the table of contents and table of cases, statutes, and other authorities required by NRAP 28(b). Respondents' responses may cite to either the record on appeal or any appendix filed with the responses.

It is so ORDERED.

 , C.J.

cc: Sebastian Martinez  
Kunin & Carman  
Lemons, Grundy & Eisenberg  
Ecker & Kainen, Chtd.  
Attorney General/Carson City  
Attorney General/Las Vegas