

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CALDERON STIPP,
Appellant/Cross-Respondent,
vs.
MITCHELL DAVID STIPP,
Respondent/Cross-Appellant.

No. 57327

FILED

FEB 22 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK


ORDER TO SHOW CAUSE

This is an appeal and cross-appeal from a district court post-decree order concerning child custody. Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals potential jurisdictional defects. Specifically, it appears that respondent/cross-appellant is not an aggrieved party with standing to appeal, as it appears that the district court granted respondent/cross-appellant's child custody motion. See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994). Additionally, respondent/cross-appellant indicates in his docketing statement that his cross-appeal "further addresses the discretion of the court in matters concerning the contractual right to fees as a prevailing party." It does not appear from the documents submitted to this court, however, that respondent/cross-appellant had moved the district court for or requested attorney fees as part of the relief sought. Thus, it appears that this court may lack jurisdiction over respondent/cross-appellant's cross-appeal.

Accordingly, respondent/cross-appellant shall have 30 days from the date of this order within which to show cause why his cross-

appeal should not be dismissed for lack of jurisdiction. In responding to this order, respondent/cross-appellant should submit documentation that establishes this court's jurisdiction. We caution respondent/cross-appellant that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of his cross-appeal. The briefing schedule in the cross-appeal shall be suspended pending further order of this court. Appellant/cross-respondent may file any reply within ten days from the date that respondent/cross-appellant's response is served.

It is so ORDERED.

_____, C.J.

cc: Vaccarino Law Office
Mitchell D. Stipp
Radford J. Smith, Chtd.