

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MYERS,

Petitioner,

vs.

CALEB O. HASKINS,

Respondent.

Supreme Court Case No. 57621
District Court Case No. 00-D-434495

BRADEN BEBSON
RECEIVED/ENTERED

FEB 17 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

**AMENDED EMERGENCY MOTION FOR STAY PENDING EMERGENCY
PETITION FOR WRIT OF MANDAMUS AND PROHIBITION AND,
EMERGENCY MOTION TO SET ASIDE AND/OR VACATE THE DISTRICT
COURT ORDER AS PER NRCP 59(e), 60 AND 61, to include
EMERGENCY MOTION UNDER NRAP 27(e)**

(action is necessary by Friday, February 18, 2011 and before next Court hearing)

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You may file your forms in person or by mail. You must file the original and copies with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must submit the original and copies and include a self-addressed, stamped envelope. Documents cannot be faxed or e-mailed to the Clerk's Office.

This form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300

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1 **Judgment or Order You Are Appealing.** Specify the judgment or order that you are appealing
2 from and the date that the judgment or order was filed in the district court.

3 Filed Date Name of Judgment or Order
4 1/19/2011 hearing Order - **Court Minutes will be attached to the forthcoming**
5 **Emergency Petition for Writ; and Order to be drafted**

6 *will forward file-stamped copy of Order when available.

7 **Notice of Appeal.** Specify the date you filed your notice of appeal in the district court: This is a
8 temporary Order, no final Order as yet. Therefore, Petitioner has not yet filed an Appeal.
9 However, Petitioner's Emergency Petition for Writ of Prohibition and Mandamus is forthcoming.

10 **Order to be Stayed.** A stay from the Nevada Supreme Court prevents enforcement of a
11 district court order. What do you want stayed? The Order from the 1/19/2011 hearing, whereby
12 Respondent was awarded three full unsupervised days with the parties minor child, Sydney Rose
13 Myers-Haskins (age 10mos.) despite the evidence of his mental and physical impairments,
14 conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues,
15 his abandonment of the minor child who has a history of RSV and the minor child was returned
16 to Petitioner lethargic, dehydrated, listless and ill. She was then diagnosed with a serious,
17 contagious illness in which her Pediatrician wrote a note stating she is to remain in
18 Petitioner's care. Further, Respondent previously signed a Joint Agreement giving Petitioner Sole
19 Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also
20 waived any visitation and refused a drug test at the prior TPO hearing, as well. The Court further
21 Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated
22 matter which is currently on Appeal (reference Supreme Court Case No. 56426) and specifically
23 a 2003 report by an unqualified individual (per the State Psychological Board) and despite the
24 acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner
25 to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the
26 position of defending herself in this matter.

27 **Statement of Facts.** Briefly explain the facts related to your request for a stay. (Your answer must
28 be provided in the space allowed.) The hearing was to be a 16.2 Case Management Conference,
29 although opposing counsel filed a Motion for custody at the last minute providing Petitioner a copy
30 5 minutes prior to this 16.2 Conference. No OST was ever signed and filed or provided to
31 Petitioner, nor did opposing counsel Amanda Roberts ever provide Petitioner the Motion 3 days
32 prior to the hearing, nor was Petitioner ever given 10 days in order to properly file an
33 Opposition/Counter-motion. Despite these issues, the District Court - Family Division still allowed
34 it to be heard and allowed Petitioner's separate matter to be discussed, in depth, thereby Ordering
35 Petitioner to undergo a Psychological Evaluation. This Order for the Evaluation is based solely on

1 the issues from the prior matter which are currently on Appeal. Interestingly to note, despite the
2 fact Respondent has a conviction in the State of Colorado and that he has mainly resided in the
3 Carson City area, the Court only Ordered a Scope for Clark County, Nevada.

4 It is important to note the events leading up to this hearing. The 16.2 Conference was originally
5 noticed for November 22, 2010, although Amanda Roberts, counsel for Respondent requested
6 it be vacated at the last minute and submitted a Stipulation and Order. This hearing was then
7 vacated and the new hearing was to be noticed to both counsels by the Department, although a
8 notice was never filed and the on-line system evidenced the conference as being "off calendar".
9 During his time, Petitioner's now former counsel, Preston P. Rezaee, Esq. filed a Motion to
10 Withdraw as counsel of record, which was currently on calendar for January 10, 2011, although
11 the hearing was recently vacated as an Order granting his Motion to Withdraw was signed and filed
12 December 23, 2010, without a hearing or a filed Request for Entry of Order. Mr. Rezaee never
13 filed Petitioner's 16.2 Financial Disclosure Form signed on August 15, 2010 and provided to his
14 office, and never filed other documents while he was still counsel for Petitioner. Petitioner did
15 receive a responsive email January 3, 2011, by Mr. Rezaee's secretary notifying Petitioner of the
16 new hearing date for the 16.2 Conference (which was now scheduled for the following Monday,
17 January 10, 2011), the time of this hearing was not known. Therefore, Petitioner contacted the
18 Law Clerk who notified Petitioner of the hearing time of 10:30 a.m. In sum, Petitioner was never
19 properly noticed of the new hearing date and time.

20 Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and
21 most importantly a Peremptory Challenge, although the District Court Clerk's office declined to
22 file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking
23 with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were
24 infact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file
25 such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further
26 prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed,
27 thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for
28 the Presiding Judge in attempt at a resolution to the above circumstances, who then in turn spoke
with the assigned Department I and the Supreme Court. While the Law Clerk informed he was
awaiting a response from Supreme Court legal counsel, he later informed he passed the
Peremptory Challenge, and associating documents on to the assigned Department I, Department
I is the same very Department in which this Petitioner was challenging, thereby notifying the
Department of said intent. The documents still had yet to be filed by the Court at this point, despite
the fact this was a time sensitive situation. Further, Judge Moss - Department I said she would pass
the Peremptory Challenge back to the Presiding Judge for decision, although Judge Moss issued
an Order the very next day stating she herself made the decision to deny Petitioner's Peremptory
Challenge. Petitioner further filed a Motion to Recuse said Judge, of which remains undecided to
date.

1 NRAP 27(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is
2 needed in less than 14 days, the motion shall be governed by the following requirements: 2) A
3 motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)"
4 immediately below the caption of the case and a statement immediately below the title of the motion
5 that states the date or event by which action is necessary. See *Doolittle v. Doolittle*, 70 Nev. 163,
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7 *v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also *Stone v Powell*, 428 US 465, 483
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9 like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold
federal law." and 28 USCS Sec. 455, and *Marshall v Jerrico Inc.*, 446 US 238, 242, 100 S.Ct.
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or property will not be taken on the basis of an erroneous or distorted conception of the facts or
the law."

10 **Effect on Your Appeal.** If a stay is denied, how will this affect the issues you are appealing?
11 (Your answer must be provided in the space allowed.) This Order is a temporary Order, therefore
12 this Petitioner has not yet Appealed, although her Emergency Petition for Writ of Prohibition and
Mandamus is forthcoming.


13 **Harm to You.** What serious harm will you experience if a stay is denied? (Your answer must be
14 provided in the space allowed.) *It would continue to put the minor child in direct harm's way*
15 *by allowing Respondent to have the 3 unsupervised days with her. Specifically, the minor*
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17 *diagnosed with a serious, contagious illness in which her Pediatrician wrote a note stating*
18 *she is to remain in Petitioner's care. Since I am challenging the District Court - Family Division's*
19 *Orders, Petitioner will be highly prejudiced in both this on-going and her Supreme Court matter*
20 *as referenced herein. It would thereby allow the District Court - Family Division to proceed with*
21 *its current Orders, to include allowing them to discuss and utilize all documents and information*
22 *from Petitioner's separate unrelated Supreme Court matter, forcing Petitioner to go through yet*
23 *another Psychological Evaluation despite the favorable reports and prior testimony of highly*
24 *qualified psychiatrists/psychologists stating she has no mental health issues whatsoever, in which*
25 *this Court and opposing counsel is refusing to acknowledge.*

22 **Harm to Others.** What harm will the other side experience if the stay is granted? (Your answer
23 must be provided in the space allowed.) No harm whatsoever. Respondent has mental and
24 physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems,
25 domestic abuse issues and his abandonment of the minor child who has a history of RSV.
Hopefully it will make him realize he needs to seek out the extensive medical and psychological
help he is in need of.

26 **Success on Appeal.** Why are you likely to win this appeal? (Your answer must be provided in
27 the space allowed.) Since this is a temporary Order, Petitioner has not yet filed an Appeal,

1 although an Emergency Petition for Writ of Prohibition and Mandamus is forthcoming. Petitioner
2 believes she will prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner
3 believes this Honorable Supreme Court will act in the best interest, rights and protection of the
4 minor child, rights of the Petitioner, in accordance with the laws and so as to avoid any further
5 prejudice and bias against Petitioner in these matters.

5 Dated this 15th day of February, 2011.

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7 LISA MYERS
8 9360 West Flamingo Road, No. 110-326
9 Las Vegas, Nevada 89147
10 **Petitioner In Proper Person**

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CERTIFICATE OF MAILING

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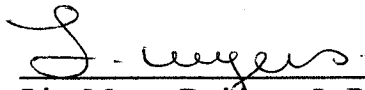
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Amanda M. Roberts, Esq.
 2011 Pinto Lane, Suite 100
 Las Vegas, Nevada 89106
Attorney for Respondent

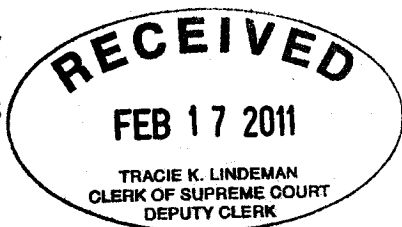
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 Department I
 Eighth Judicial District Court - Family Division
 601 North Pecos
 Las Vegas, Nevada 89101

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 Lisa Myers, Petitioner In Proper Person

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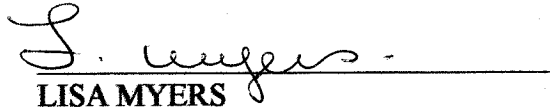
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7 LISA MYERS
8 9360 West Flamingo Road, No. 110-326
9 Las Vegas, Nevada 89147
Petitioner In Proper Person

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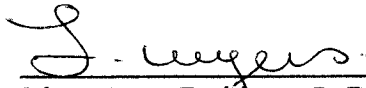
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Amanda M. Roberts, Esq.
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
Attorney for Respondent

Honorable Judge Cheryl B. Moss
Department I
Eighth Judicial District Court - Family Division
601 North Pecos
Las Vegas, Nevada 89101

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Lisa Myers, Petitioner In Proper Person

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