ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

PROPER PERSON
RECEIVED/ENTERED

FEB 18 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

**EMERGENCY PETITION FOR REHEARING UNDER NRAP 40 AND, EMERGENCY MOTION UNDER NRAP 27(e)**
**(action is necessary by Friday, February 18, 2011 and before next Court hearing)**

**COMES NOW** LISA MYERS, Petitioner In Proper Person, and Petitions this Court to Rehear its Order denying Petitioner's Emergency Motion for Stay in Supreme Court Case No. 57621, as per NRAP 40. Further, Petitioner is also submitting her Emergency Motion Under NRAP 27(e).


LISA MYERS
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Las Vegas, Nevada 89147
Telephone: (702) 401.4440
**Petitioner In Proper Person**


## 1. STANDARD OF REVIEW

**NRAP RULE 40. PETITION FOR REHEARING**

(a) Procedure and Limitations.

(1) Time. Unless the time is shortened or enlarged by order, a petition for rehearing may be filed within 18 days after the filing of the court's decision under Rule 36. The 3-day mailing period set forth in Rule 26(c) does not apply to the time limits set by this Rule.

(2) The court may consider rehearings in the following circumstances:

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CLERK OF SUPREME COURT
DEPUTY CLERK

(A) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or

(B) When the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case.

**NRAP RULE 27. MOTIONS**

(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion shall be governed by the following requirements:

(1) Before filing the motion, the movant shall make every practicable effort to notify the clerk of the Supreme Court and opposing counsel and to serve the motion at the earliest possible time. If an emergency motion is not filed at the earliest possible time, the Supreme Court may summarily deny the motion.

(2) A motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)" immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary.

**NRAP RULE 8. STAY OR INJUNCTION PENDING APPEAL OR RESOLUTION OF ORIGINAL WRIT PROCEEDINGS**

(d) Stays in Civil Cases Involving Child Custody. In deciding whether to issue a stay in matters involving child custody, the Supreme Court will consider the following factors: (1) whether the child(ren) will suffer hardship or harm if the stay is either granted or denied; (2) whether the nonmoving party will suffer hardship or harm if the stay is granted; (3) whether movant is likely to prevail on the merits in the appeal; and (4) whether a determination of other existing equitable considerations, if any, is warranted.

## 2. ISSUES

### A. THIS PETITIONER'S MOTION FOR STAY WAS DENIED DUE TO HAVING NO DOCUMENTS PROVIDED TO SUPPORT HER MOTION

The Supreme Court's Motion for Stay form specifically states in part: INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court. [Emphasis added]

*See* **Exhibit "1"**, attached hereto, Supreme Court's Motion for Stay form.

By this Court's own rules, Petitioner was not permitted to provide any attachments (exhibits, additional pages, etc) in order to support the claims in her Motion, *See* **Exhibit "2"**, attached herewith, Petitioner's Emergency Motion for Stay. Further, Petitioner was in the process of finalizing her Petition for Writ of Mandamus and Prohibition for filing with this Honorable Supreme Court this week, which would have included such attachments.

Moreover, this Petitioner recently and prior to receiving the Order Denying Stay (*See* **Exhibit "3"**), sent her Amended Emergency Motion for Stay, to include her Emergency Motion Under 27(e) requesting action by a certain date and prior to the parties' next Court hearing. *See* **Exhibit "4"**, attached herewith, Petitioner's Amended Emergency Motion for Stay. Therefore, Petitioner is now filing this Petition for Rehearing on this Court's Order Denying Stay, which shall include attachments of exhibits substantiating the claims and concerns contained within the Emergency Motion for Stay, Amended Emergency Motion for Stay and this Petition. Petitioner will still be filing her Petition for Writ of Mandamus and Prohibition, which shall also include these attachments and additional exhibits, as well.

## 3. SUBSTANTIAL LAWS AND RULES OVERLOOKED AND CASES INVOLVED

NRS 125C.010 Order awarding visitation rights must define rights with particularity and specify habitual residence of child.

1. Any order awarding a party a right of visitation of a minor child must:
(a) Define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and **that the best interest of the child is achieved**... [Emphasis added].

RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment shall be filed no later than 10 days after service of written notice of entry of the judgment.

RULE 60. RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate

court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, Etc.

RULE 61. HARMLESS ERROR

No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

EDCR RULE 2.20. Motions; contents; responses and replies; calendaring a fully briefed matter.

(a) All motions must contain a notice of motion setting the same for hearing on a day when the judge to whom the case is assigned is hearing civil motions and not less than 21 days from the date the motion is served and filed. A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(c) Within 10 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied...

NRCP RULE 6. TIME

(d) For Motions—Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by rule or order of the court. Such an order may, for cause shown, be made on ex parte application. When a motion or opposition is supported by affidavit, the affidavit shall be served with the motion or opposition.

(e) Additional Time After Service by Mail or Electronic Means. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

EDCR RULE 7.21. Preparation of order, judgment or decree.
The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court.

See *Doolittle v. Doolittle,* 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank,*129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law." Also, see 28 USCS Sec. 455, and Marshall v Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980), "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

**4. SUMMARIZATION OF SERIOUSNESS OF AND EMERGENT ATTENTION TO THE ISSUES AND SAFETY, HEALTH AND OVERALL WELL-BEING OF THE MINOR CHILD AND PETITIONER RIGHTS-THE COURT OVERLOOKED THE RULES AND LAWS, IS BIASED AND PREJUDICING NOT ONLY THIS MATTER BUT PETITIONER'S OTHER UNRELATED MATTER AND HER CREDIBILITY AND PLACING THE CHILD IN DIRECT HARM'S WAY**

At the 1/19/2011 hearing, Judge Moss awarded Respondent three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 11mos.), specifically giving the parties Joint Physical and Legal Custody, despite the fact this Petitioner has been the *de facto* Primary Physical and Legal Custodian of the minor child. The Judge further made her decision despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues (to include shoving Petitioner's other minor child down the stairs), violence (to include punching a hole in the wall of the parties' home), Respondent's abandonment of the minor child who has a history of RSV, Respondent's own admissions in Court and his parents own admissions. *See* **Exhibits "5" through "9"** (additional documents will be supplemented). Further, Judge Moss failed to acknowledge the fact that Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation, signed July of 2010, **Exhibit "10"** herein.

Respondent further refused a drug test and therefore waived any visitation of the minor child yet again at the parties' TPO hearing, as well.

Additionally, the minor child was recently returned to Petitioner lethargic, dehydrated, listless and ill. Petitioner had to take the minor child to her Pediatrician who thereby diagnosed her with a serious, contagious illness, in which her Pediatrician wrote a note stating she is to remain in Petitioner's care, *See* **Exhibit "11"**, attached herewith. It is extremely important to note for the record, since the Respondent has been out of the home permanently and has had no contact with the minor child as July of 2010 and up until Judge Moss' Order where Respondent began having contact with her January 19, 2011, the minor child was healthy, developing well, happy and without incident while in the care and custody of this Petitioner and her immediate family. Further, Respondent never cared for the minor child while he was "living" at the parties' townhome prior to his leave, even taking the last of the food out of the home, taking all of the parties' money, to include the money for the minor child's doctor visit and leaving the Petitioner without any necessities or food for the minor child (baby) and her other minor child. The minor child was ill with RSV at approximately 5 weeks of age and Respondent refused to quit smoking indirectly and directly around her, even yelling obscenities while the minor child was ill and having difficulty breathing, refusing to assist or acknowledge her in every way possible. Respondent still smokes to date and still refuses to cease smoking both indirectly and directly around the minor child, despite the Court's Order.

Petitioner is extremely concerned for the minor child's health, safety and overall well-being, her Pediatrician is as well, as the District Court's Order would continue to put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her, especially when she became ill in his "care" and "custody" and he failed to notify Petitioner of anything whatsoever, to include his blatant refusal to answer any questions regarding the minor child.

The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 56426, District Court Case No. 00-D-260907) and specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter.

Moreover, since I am challenging the District Court - Family Division's Orders, Petitioner will be highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It would thereby allow the District Court - Family Division to proceed with its current Orders, to include allowing them to discuss and utilize all documents and information from Petitioner's separate unrelated Supreme Court matter, forcing Petitioner to be subjected to yet another Psychological Evaluation despite the favorable reports and prior testimony of highly qualified

psychiatrists/psychologists stating she has no mental health issues whatsoever, in which this Court and opposing counsel is refusing to acknowledge.

Additionally, there exists a conflict of interest with Respondent's counsel, as Petitioner consulted with an associate attorney at Ms. Robert's law firm on this matter and Petitioner's other unrelated matter prior to the commencement of this case. It has also recently come to the attention of this Petitioner that the Office Manager/Senior Paralegal has a long-standing personal relationship with not only this Petitioner, but with the her immediate and extended family, as well. Opposing counsel, however, continues to refuse to conflict themselves out of this matter for an unknown reason. Petitioner is in the process of filing a State Bar complaint against Ms. Roberts and her firm and is in the process of filing a Motion to Disqualify, as well. Ms. Roberts' continued to harassment, perjury, attempts at the destruction of this Petitioner's credibility in this State, failure to ensure the health and safety of the subject minor (an 11 month old baby) and her failure to follow the laws and rules under her own code of ethics as counsel must not be tolerated.

## 5. SPECIFIC FACTS AND BRIEF HISTORY OF THE EVENTS IN THIS MATTER

The parties' hearing of January 19, 2011 was to be a 16.2 Case Management Conference, although opposing counsel, Amanda Roberts filed a Motion for primary physical and sole legal custody and for a psychological evaluation of this Petitioner at the last minute **providing Petitioner a copy 5 minutes prior to this 16.2 Conference**, despite NRCP 6(d)(e). No OST was ever signed and filed or provided to Petitioner, nor did Ms. Roberts ever provide Petitioner the Motion at least 5 full Judicial days prior to the scheduled hearing. Petitioner was further never given 10 days in order to properly file an Opposition/Countermotion, as per EDCR 2.20. Moreover, since opposing counsel stated she also mailed a copy of the Motion to Petitioner the same day of this hearing, Petitioner did not receive opposing counsel's Motion until after the hearing[1] Therefore, Petitioner was prejudiced in this matter as Petitioner was not properly prepared to defend or provide all necessary documentation to justify her defenses or claims.

Despite these issues, the District Court - Family Division, to specifically include Judge Cheryl B. Moss still allowed the Motion to be heard, specifically awarded the Respondent three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 11mos.), specifically giving the parties' Joint Physical and Legal Custody, despite the fact this Petitioner has been the *de facto* Primary Physical and Legal Custodian of the minor child, despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, violence (to include Respondent punching a hole in the wall of the parties' home),

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[1] Opposing counsel, Amanda Roberts admitted at the 1/19/11 Court hearing to placing the Motion in the mail that same very day of the hearing! Ms. Roberts further admitted to having ex-parte communication with the Judge the prior week requesting her Motion to be heard at this 16.2 Case Management Conference, as well.

domestic abuse issues (to include Respondent shoving Petitioner's other minor child down the stairs), Respondent's own admissions in Court and his parents own admissions and his abandonment of the minor child who has a history of RSV (refer to Exhibits as referenced herein),to include Court's Minutes[2]. *See* **Exhibit "12"**. Judge Moss further refused to acknowledge that Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also waived any visitation and refused a drug test at the prior TPO hearing, as well.

The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 56426) and specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter. Interestingly to note, despite the fact Respondent has a conviction in the State of Colorado and that he also has mainly resided in the Carson City, Nevada area, Judge Moss only Ordered a Scope for Clark County, Nevada. (A copy of Respondent's record is forthcoming and shall be supplemented into both the Supreme Court matter, as well as the District Court matter).

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

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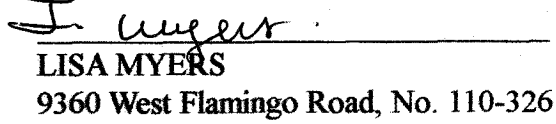
[2] Opposing counsel, Amanda Roberts was Ordered to prepare the 1/19/11 Order and submit it to Petitioner for review and signature. To date, however, the Order has yet to be prepared and submitted to this Petitioner. Therefore, the Order has not been signed by the Judge or filed with the Court, as per EDCR 7.21, whereby Counsel must furnish the Order to the clerk or Judge within 10 days of the ruling.

allowed the hearing to move forth discussing the Peremptory Challenge, Request for Voluntary Recusal, etcetera.

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were in fact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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, *See* **Exhibits "14" and "15"**, attached herewith, copy of the Minute Order and Notice of Appeal with reference to the decision and Order of the Peremptory Challenge.

Since this is a temporary Order, Petitioner has not yet filed an Appeal, although an Emergency Petition for Writ of Prohibition and Mandamus is forthcoming. Petitioner believes she will prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner believes this Honorable Supreme Court will act in the best interest, rights and protection of the subject minor (an 11 month old baby), rights of the Petitioner, in accordance with the laws and so as to avoid any further prejudice and bias against Petitioner in these matters. Petitioner reserves her right to supplement additional information and documentation should she deem necessary and as it becomes available.

Dated this 16TH day of February, 2011.



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

EXHIBIT "1"

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | |
|---|---|
| _____, Appellant, vs. _____, Respondent. | Supreme Court No. _____<br>District Court No. _____ |

## MOTION FOR STAY FORM (CHILD CUSTODY) FOR PARTIES WITHOUT ATTORNEYS

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

You may file your forms in person or by mail. You must file the original and 2 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 3 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

EXHIBIT “2”

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

FILED
JAN 26 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

**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**

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

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

RECEIVED
JAN 26 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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

| Filed Date | Name of Judgment or Order |
|---|---|
| 1/19/2011 hearing | Order - Awaiting Court Minutes and Order to be drafted |

***will forward certified copy of Minutes and file-stamped copy of Order when available.**

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

**Order to be Stayed.** A stay from the Nevada Supreme Court prevents enforcement of a district court order. What do you want stayed? The Order from the 1/19/2011 hearing, whereby Respondent was awarded three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (age 10mos.) despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues and his abandonment of the minor child who has a history of RSV, Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also waived any visitation and refused a drug test at the prior TPO hearing, as well. The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 54626) and specifically a 2003 report by an unqualified individual (per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter.

**Statement of Facts.** Briefly explain the facts related to your request for a stay. (Your answer must be provided in the space allowed.) The hearing was to be a 16.2 Case Management Conference, although opposing counsel filed a Motion for custody at the last minute providing Petitioner a copy 5 minutes prior to this 16.2 Conference. No OST was ever signed and filed or provided to Petitioner, nor did opposing counsel Amanda Roberts ever provide Petitioner the Motion 3 days prior to the hearing, nor was Petitioner ever given 10 days in order to properly file an Opposition/Countermotion. Despite these issues, the District Court - Family Division still allowed it to be heard and allowed Petitioner's separate matter to be discussed, in depth, thereby Ordering Petitioner to undergo a Psychological Evaluation. This Order for the Evaluation is based solely on the issues from the prior matter which are currently on Appeal. Interestingly to note, despite the fact Respondent has a conviction in the State of Colorado and that he has mainly resided in the Carson City area, the Court only Ordered a Scope for Clark County, Nevada.

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

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were infact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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.

See *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, 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. 1610, 64 L. Ed. 2d 182 (1980). "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

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

**Harm to You.** What serious harm will you experience if a stay is denied? (Your answer must be provided in the space allowed.) Not only would it put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her, but since I am challenging the District Court - Family Division's Orders, Petitioner will be highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It would thereby allow the District Court - Family Division to proceed with its current Orders, to include allowing them to discuss and utilize all documents and information from Petitioner's separate unrelated Supreme Court matter, forcing Petitioner be go through yet another Psychological Evaluation despite the favorable reports and prior testimony of highly qualified psychiatrists/psychologists stating she has no mental health issues whatsoever, in which this Court and opposing counsel is refusing to acknowledge.

**Harm to Others.** What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.) No harm whatsoever. Respondent has mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, 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.

**Success on Appeal.** Why are you likely to win this appeal? (Your answer must be provided in the space allowed.) Since this is a temporary Order, Petitioner has not yet filed an Appeal, although an Emergency Petition for Writ of Prohibition and Mandamus is forthcoming. Petitioner believes she will prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner believes this Honorable Supreme Court will act in the best interest and rights of the minor child, rights of the Petitioner, in accordance with the laws and so as to avoid any further prejudice and bias against Petitioner in these matters.

Dated this 21st day of January, 2011.

L. Myers

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

EXHIBIT “3”

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA S. MYERS,
Petitioner,
vs.
CALEB O. HASKINS,
Respondent.

No. 57621

FILED

FEB 10 2011

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

ORDER DENYING STAY

Petitioner, in proper person, has filed an emergency motion for a stay of a district court interim visitation order, stating that she plans to file an original writ petition challenging that order. Having reviewed the motion, we conclude that petitioner has not demonstrated that a stay is warranted. NRAP 8(d) (listing factors to be considered in determining whether a stay is warranted in a child custody matter). In particular, petitioner provided no documents whatsoever in support of her motion, and this court is therefore unable to evaluate the merits of her claims. Accordingly, we deny the motion for stay.

It is so ORDERED.

_____, J.
Cherry

_____, J.
Gibbons

_____, J.
Pickering

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Lisa S. Myers
Roberts Stoffel Family Law Group
Eighth District Court Clerk



11-04405

EXHIBIT “4”

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | | |
|---|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | ) | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

**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)**

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

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

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

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

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

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

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

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

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

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

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were infact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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.

NRAP 27(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion shall be governed by the following requirements: 2) A motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)" immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary. See *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, 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. 1610, 64 L. Ed. 2d 182 (1980). "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

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

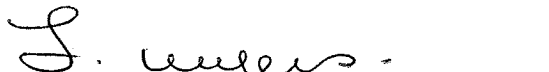
**Harm to You.** What serious harm will you experience if a stay is denied? (Your answer must be provided in the space allowed.) *It would continue to put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her. Specifically, the minor child was returned to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

**Harm to Others.** What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.) No harm whatsoever. Respondent has mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, 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.

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

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

Dated this 15th day of February, 2011.



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

///

///

///

EXHIBIT "5"

Department of Veterans Affairs

# STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: [illegible]

PENALTY: [illegible]

FIRST NAME, MIDDLE NAME, LAST NAME OF VETERAN (Type or print)

Robert C. Hastings

SOCIAL SECURITY NO. [illegible]

CLAIM NO. [illegible]

The following statement is made in connection with a claim for benefits in the case of the above named veteran.

Request for consideration of a Claim

1. I would like to file a Claim for consideration of a Medication fee for my Service Connected Degenerative Disc Disease at C5/C6 Disabling.

2. I would also like to file a Claim for consideration of Service connection for the following issues.

a. PTSD / Related to IED explosion in Baghdad, Iraq April 2003

b. TBI (Concussion) at the IED, Baghdad, Iraq April 2003

c. Bilateral Hearing loss

3. Current Treatment is through Las Vegas VA Center and has been since June 2010.

4. Thank you for your assistance

CONTINUE ON REVERSE

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED 8/23/10

ADDRESS 9200 W. Tropicana Ave #110-326 Las Vegas, NV 89147

TELEPHONE NUMBERS (Include area code)

DAYTIME (702) 997-4173

EVENING

PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.

EXISTING STOCKS OF VA FORM 21-4138 JUN 1994 WILL BE USED.

VA FORM 21-4138

EXHIBIT “6”

Esquire

Click to Print

Close

# I Miss Iraq. I Miss My Gun. I Miss My War.

**A year after coming home from a tour in Iraq, a soldier returns home to find out he left behind**

Rep Group
(D) 4th Dist
Co 1:2 PM
Vet Center
251-7873
Contacted

onths ago, I found a web site
nd videos from Iraq. The sort
n on the news. I watched
erican soldiers and car bombs
accompanied by funny music
changing, the soundtrack of
ns. Video cameras focused on
building anticipation. Humvees
xplosions brought mushroom
d chunks of metal spinning
deos and pictures showed
nting roadside bombs or kill
ains of suicide bombers, peo
o be seen, no longer whole
d me, but their familiarity
t, and I couldn't stop. I
s, hungry for it. This must be
ke after a long stretch of
My body tingled and my
ner, I sliced half an onion
ne shakiness lingered. I
ica, my life felt very foreign.

nauseating and
stood on weak
down and wate
leaned against

I've been hom
forgotten for t
continue, with
assume I was
over, I never
have a very h

ugh for my time there to
e. I could see their relief
ents, their relief brought me
ave me home. Maybe they
ave. But I miss Iraq. I miss

I'm glad to be
my friends wh
lack of control

wake up next to my wife
t. Often I hated being there
ending. I questioned my role
whether good could come of it. I wondered if it was worth dying or killing for. The su
disgusted me. But war twists and shifts the landmarks by which we navigate our
darkened areas that for many people remain forever unexplored. And once those
become part of us. At a party several years ago, long before the Army, I listened
several years in the Marines tell a woman that if she carried a pistol for a day
would feel different. She would see the world differently.

EXHIBIT "7"

# FAITH

EXHIBIT "8"

Media Card/BlackBerry/
pictures/IMG00477.jpg
Size: 481.9KB
Image File
Last Modified
Jun 14, 2010 2:10 AM

# EXHIBIT "9"

(Respondent's criminal record to be supplement upon receipt of same)

EXHIBIT "10"

# AGREEMENT BETWEEN CALEB AND LISA

Caleb O. Haskins, husband ["Caleb"] and Lisa S. Myers-Haskins, wife ["Lisa"] were married September 21, 2009. The parties have one minor child: Sydney Rose Myers-Haskins, age 3mos.

The parties have agreed to the following:

- Caleb and Lisa have agreed to a legal separation. Specifically, the parties separated (Caleb moved out of the home as of 7/3/2010) for the best interest of the family and so Caleb can go through counseling.

Further, the parties have also agreed to the following:

- Caleb and Lisa waive any right to spousal support from each other;
- Lisa will solely maintain and be solely responsible for the post office box located at 9360 West Flamingo Road, Suite 110-326, Las Vegas, Nevada 89147. Lisa will forward any of Caleb's mail to Caleb;
- Caleb will pay $324.39 to Lisa for the following bills, specifically: SW Gas $25.27; Cox Cable $220.44 (past due/current as no payment was made for 5/2010); and, NV Energy $78.68 (no payment made for 5/2010; May's past due and June's bill was paid 6/27/2010);
- Caleb will be solely responsible for any debt/property in his possession, control and name; any debts he incurs from this point forward will be his sole responsibility;
- Lisa will be solely responsible for any debt/property in her possession, control and name; any debts she incurs from this point forward will be her sole responsibility;
- Lisa will be the sole legal and physical custodian of the parties minor child and waives any right to child support from Caleb. [redacted] Lisa will continue to maintain any and all financial responsibilities of the minor child, including but not limited to, medical insurance and medical bills for the minor child.
- Caleb will retain as his sole and separate property any property (tangible or intangible) in his name/possession and any property he purchased prior to their marriage and any property he purchases/acquires from this point forward; and,
- Lisa will retain as her sole and separate property any property (tangible or intangible) in her name/possession and any property she purchased prior to their marriage and any property she purchases/acquires from this point forward.

**Each individual has read, understands and will comply with the above agreement.**

7-15-10

CALEB O. HASKINS DATE

7-15-10

LISA S. MYERS-HASKINS DATE

EXHIBIT “11”

BERNSTEIN PEDIATRICS
LEROY BERNSTEIN, M.D.
DEA # _____
DIANNE CYRKIEL, A.P.N., CPNP
DEA # _____ LIC. # APN0587
2121 EAST FLAMINGO ROAD, SUITE 100
LAS VEGAS, NV 89119-5123
(702) 796-7000

NAME MEYERS, ROSKINS, Sydney AGE 1

ADDRESS _____ DATE 2/10/11

TAMPER-RESISTANT FEATURES INCLUDE: SAFETY-BLUE ERASE-RESISTANT BACKGROUND, "ILLEGAL" PANTOGRAPH, QUANTITY CHECK-OFF BOXES AND REFILL INDICATOR

℞ Child has moderately serious illness
Adv. remain in care of mother while being treated this week -
2/10 thru 2/15/11

- ☐ 1-24
- ☐ 25-49
- ☐ 50-74
- ☐ 75-100
- ☐ 101-150
- ☐ 151 and over

_____ Units

Refill NR 1 2 3 4 5

(Signature)

To ensure brand name dispensing, prescriber must handwrite "Dispense As Written" on the prescription.

0HPE0146911

EXHIBIT “12”

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

**Divorce - Complaint** **COURT MINUTES** January 19, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 19, 2011** **9:00 AM** **Case Management Conference** **Case Management Conference**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

Caleb Haskins, Plaintiff, Counter Defendant, present
Lisa Myers, Defendant, Counter Claimant, present
Sydney Haskins, Subject Minor, not present

Amanda Roberts, Attorney, present
Pro Se

**JOURNAL ENTRIES**

- Parties sworn and testified.

Behavior Order SIGNED IN OPEN COURT.

Discussions by Parties and Counsel.

COURT ORDERED the following:

1. Plaintiff is REFERRED to American Toxicology Institute (ATI) for drug testing today. Defendant shall pay for the testing.

2. SCOPES shall be run on both Parties.

3. Plaintiff shall have a Polygraph Test done at his cost.

4. Both Parties shall sign HIPPA releases forthwith.

5. Defendant shall provide a list of 3-4 Outsource Evaluators to Atty Roberts within two (2) weeks.

6. Defendant shall request Plaintiff's VA medical records.

7. Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child, with exchanges every three (3) days beginning day with Plaintiff at 4:00 p.m. Exchanges shall be at the Family Court Marshall's Station during the week and Donna's House on Saturdays and Sundays. Parties will split the cost of Donna's House.

8. There is to be NO SMOKING around the minor child.

9. Parties shall communicate by e-mail on child issues only.

10. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at $621.00 per month, with 1/2 due on the 15th and last day of each month by direct deposit into Defendant's bank account. January's payment is due by the last day of January.

11. CHILD SUPPORT ARREARES are DEFERRED.

12. Defendant provides health insurance for the minor child, with proof of the child's portion, within two (2) weeks, Plaintiff shall pay 1/2 of that cost.

13. Court shall obtain the doctor's reports from the Gambini case D260907, of which Defendant is a party to.

14. Plaintiff's Motion scheduled for March 8, 2011 is VACATED.

15. Return Hearing, Calendar Call and Trial dates SET.

Case Management Order SIGNED and FILED IN OPEN COURT.

Atty Roberts shall prepare the Order from today's hearing, Defendant to sign as to form and content.

3-9-2011 10:00 AM RETURN: ATI/POLYGRAPH

4-20-2011 10:00 AM CALENDAR CALL

6-16-2011 9:30 AM NON-JURY TRIAL #1

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 08, 2011 10:30 AM Motion*
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*
*Moss, Cheryl B*
*Courtroom 13*

March 09, 2011 10:00 AM Return Hearing
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

April 20, 2011 10:00 AM Calendar Call
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

June 16, 2011 9:30 AM Non-Jury Trial
Moss, Cheryl B
Courtroom 13

EXHIBIT “13”

# REGISTER OF ACTIONS
## CASE NO. D-10-434495-D

**Caleb Obadiah Haskins, Plaintiff. vs. Lisa Myers, Defendant.**

| | |
|---|---|
| Case Type: | **Divorce - Complaint** |
| Subtype: | **Complaint Subject Minor(s)** |
| Date Filed: | **08/20/2010** |
| Location: | **Department I** |
| Conversion Case Number: | **D434495** |

### PARTY INFORMATION

| | | |
|---|---|---|
| **Defendant** | **Myers, Lisa** | **Lead Attorneys**<br>**Pro Se** |
| **Plaintiff** | **Haskins, Caleb Obadiah** | **Amanda M Roberts, ESQ**<br>*Retained*<br>702-474-7007(W) |
| **Subject Minor** | **Haskins, Sydney Rose** | |

### EVENTS & ORDERS OF THE COURT

**OTHER EVENTS AND HEARINGS**

08/20/2010 **Complaint for Divorce**
08/24/2010 **Child Support and Welfare Party Identification Sheet**
08/24/2010 **Child Support and Welfare Party Identification Sheet**
08/27/2010 **Affidavit of Resident Witness**
*Affidavit of Resident Witness*
08/27/2010 **Affidavit of Plaintiff**
*Affidavit of Plaintiff*
09/23/2010 **Peremptory Challenge**
*Peremptory Challenge*
09/28/2010 **Proof of Personal Service of Summons and Complaint**
*Affidavit of Service*
09/29/2010 **Notice of Intent to take Default**
*Notice of Intent to Take Default*
10/01/2010 **Notice of Department Reassignment**
10/05/2010 **Answer and Counterclaim**
*Answer and Counterclaim*
10/18/2010 **NRCP 16.2 Case Management Conference**
*NRCP 16.2 Case Management Conferences*
10/26/2010 **Motion**
*Motion to Withdraw as Attorney of Record*
11/22/2010 **Case Management Conference** (1:30 PM) (Judicial Officer Moss, Cheryl B)
**11/22/2010, 01/10/2011, 01/19/2011**
Parties Present
Result: Off Calendar
12/01/2010 **Reply**
*Reply to Counterclaim for Divorce*
12/06/2010 **Stipulation and Order**
*Stipulation and Order to Continue Case Management Conference*
12/07/2010 **Notice of Entry of Stipulation and Order**
*Notice of Entry of Stipulation and Order*
12/23/2010 **Order**
01/03/2011 **Notice of Entry of Order**
*Notice of Entry of Order*
01/06/2011 **Financial Disclosure Form**
*Financial Disclosure Form*
01/06/2011 **Notice of Seminar Completion EDCR 5.07**
*Notice of Seminar Completion EDCR 5.07*
01/07/2011 **Affidavit in Support**
*Affidavit In Support Of Motion For Leave To Proceed In Forma Pauperis*
01/10/2011 **Order to Proceed In Forma Pauperis**
01/10/2011 *CANCELED* **Motion for Withdrawal** (10:30 AM) (Judicial Officer Moss, Cheryl B)
*Vacated*
*order to withdraw signed on 12/23/2010*
01/10/2011 **Motion**
*Emergency Motion for Leave to Proceed in Forma Pauperis*
01/10/2011 **Financial Disclosure Form**
01/11/2011 **Minute Order** (1:30 PM) (Judicial Officer Moss, Cheryl B)
Result: Minute Order - No Hearing Held
01/11/2011 **NRCP 16.2 Case Management Conference**
*Amended NRCP 16.2 Case Management Conference*
01/14/2011 **Ex Parte Application**

| | |
|---|---|
| | *Ex Parte Apllication for an Order Shortening Time* |
| 01/14/2011 | **Motion** |
| | *Notice of Motion and Motion for Sole Legal Custody, Primary Physical Custody, and Independant Medical Evauation, and for Attorney Fees and Costs; Affidfavit of Caleb Haskins* |
| 01/14/2011 | **Family Court Motion Opposition Fee Information Sheet** |
| | *Family Court Motion/Opposition Fee Information Sheet* |
| 01/19/2011 | **Certificate of Service** |
| | *U.S. Mail* |
| 01/19/2011 | **Order** |
| | *for Supervised Exchange* |
| 01/19/2011 | **Order** |
| | *Mutual Behavior Order* |
| 01/19/2011 | **Case Management Order** |
| 01/28/2011 | **Certificate of Mailing** |
| | *Pursuant to NRCP 16.2 - U.S. Mail* |
| 01/28/2011 | **Notice of Entry of Order** |
| | *Notice of Entry of Order and Order To Proceed In Forma Pauperis* |
| 01/28/2011 | **Request** |
| | *Request for Voluntary Recusal of Justice* |
| 01/28/2011 | **Motion** |
| | *Motion to Recuse* |
| 03/08/2011 | *CANCELED* **Motion** (10:30 AM) (Judicial Officer Moss, Cheryl B) |
| | *Vacated - per Judge* |
| | *hearing 1-19-2011* |
| 03/09/2011 | **Return Hearing** (10:00 AM) (Judicial Officer Moss, Cheryl B) |
| | *Return Hearing re: ATI/Polyraph Test (1 Hour)* |
| 04/20/2011 | **Calendar Call** (10:00 AM) (Judicial Officer Moss, Cheryl B) |
| 06/16/2011 | **Non-Jury Trial** (9:30 AM) (Judicial Officer Moss, Cheryl B) |
| | *Non-Jury Trial #1* |

## FINANCIAL INFORMATION

| | | | | |
|---|---|---|---|---|
| | **Counter Claimant** Myers, Lisa | | | |
| | Total Financial Assessment | | | 217.00 |
| | Total Payments and Credits | | | 217.00 |
| | **Balance Due as of 02/16/2011** | | | **0.00** |
| 10/05/2010 | Transaction Assessment | | | 217.00 |
| 10/05/2010 | Wiznet | Receipt # 2010-51981-CCCLK | Myers, Lisa | (217.00) |

| | | | | |
|---|---|---|---|---|
| | **Counter Defendant** Haskins, Caleb Obadiah | | | |
| | Total Financial Assessment | | | 289.00 |
| | Total Payments and Credits | | | 289.00 |
| | **Balance Due as of 02/16/2011** | | | **0.00** |
| 08/20/2010 | Transaction Assessment | | | 289.00 |
| 08/20/2010 | Payment (Window) | Receipt # 2010-42734-FAM | Roberts Law Group PC | (289.00) |

EXHIBIT "14"

D-10-434495-D

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Divorce - Complaint** **COURT MINUTES** January 11, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 11, 2011** **1:30 PM** **Minute Order**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

Caleb Haskins, Plaintiff, Counter Defendant, not present — Amanda Roberts, Attorney, not present
Lisa Myers, Defendant, Counter Claimant, not present — Pro Se
Sydney Haskins, Subject Minor, not present

## JOURNAL ENTRIES

- Judge Moss advised the parties and Dad's attorney this question would be submitted to the Presiding Judge.

However, Judge Moss notes that after a closer review of the record and procedural history in this case, Mom's time frame to file a peremptory challenge already expired on November 5, 2010.

Procedural Question:

1. Dad filed Complaint for Divorce on 8-20-10, assigned to Judge Potter.

2. Dad filed a TIMELY Peremptory Challenge on 9-23-10.

3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10.

4. Mom filed an Answer and Counterclaim on 10-5-10.

5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10.

6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived.

7. Mom also wanted the Peremptory Challenge Fee waived for her.

8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee.

9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived.

10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case.

11. Mom's attorney never filed the Peremptory Challenge.

12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010.

13. Service was completed after three mailing days on October 21, 2010.

14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge.

15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a).

16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse.

17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases.

18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m.

D-10-434495-D

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

January 19, 2011 9:00 AM Case Management Conference
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

EXHIBIT "15"

**NOTC**
Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

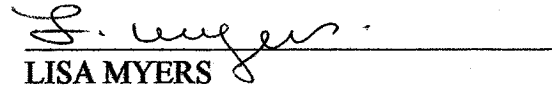
| | | |
|---|---|---|
| CALEB O. HASKINS, | ) | CASE NO.: **10-D-434495-D** |
| | ) | DEPT NO.: **I** |
| Plaintiff, | ) | |
| | ) | Supreme Court Case No. **57621** |
| vs. | ) | (associated with Emergency Motion for Stay) |
| | ) | |
| **LISA MYERS,** | ) | |
| | ) | |
| Defendant. | ) | |

**NOTICE OF APPEAL**

Notice is hereby given that LISA MYERS, Defendant In Proper Person above-named, hereby appeals to the Supreme Court of Nevada from the Minute Order of January 11, 2011 (attached herewith as Exhibit "A"). Also attached, file-stamped Order To Proceed In Forma Pauperis, Exhibit "B" herewith.

Defendant reserves her right to supplement additional information for this Appeal should it become available or necessary.

Dated this 11th day of February, 2011.



LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

EXHIBIT "A"

D-10-434495-D

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Divorce - Complaint** **COURT MINUTES** January 11, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 11, 2011** **1:30 PM** **Minute Order**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

Caleb Haskins, Plaintiff, Counter Defendant, not present — Amanda Roberts, Attorney, not present
Lisa Myers, Defendant, Counter Claimant, not present — Pro Se
Sydney Haskins, Subject Minor, not present

## JOURNAL ENTRIES

- Judge Moss advised the parties and Dad's attorney this question would be submitted to the Presiding Judge.

However, Judge Moss notes that after a closer review of the record and procedural history in this case, Mom's time frame to file a peremptory challenge already expired on November 5, 2010.

Procedural Question:

1. Dad filed Complaint for Divorce on 8-20-10, assigned to Judge Potter.

2. Dad filed a TIMELY Peremptory Challenge on 9-23-10.

3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10.

4. Mom filed an Answer and Counterclaim on 10-5-10.

5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10.

6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived.

7. Mom also wanted the Peremptory Challenge Fee waived for her.

8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee.

9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived.

10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case.

11. Mom's attorney never filed the Peremptory Challenge.

12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010.

13. Service was completed after three mailing days on October 21, 2010.

14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge.

15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a).

16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse.

17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases.

18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m.

D-10-434495-D

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

January 19, 2011 9:00 AM Case Management Conference
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

EXHIBIT "B"

**NEOJ**
Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

| | |
|---|---|
| CALEB O. HASKINS,<br><br>Plaintiff,<br><br>vs.<br><br>**LISA MYERS,**<br><br>Defendant. | CASE NO.: **10-D-434495-D**<br>DEPT NO.: **I** |

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an **ORDER** was filed in the above-entitled matter on the 10th of January, 2011.

**DATED** this 14th day of January, 2011.

LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

///

ORIGINAL

**ORDR**

Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

FILED
JAN 10 2 25 PM '11
CLERK OF THE COURT

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

| | |
|---|---|
| CALEB O. HASKINS, | ) CASE NO.: **10-D-434495-D** |
| | ) DEPT NO.: **I** |
| Plaintiff, | ) |
| | ) |
| vs. | ) |
| | ) |
| **LISA MYERS,** | ) |
| | ) |
| Defendant. | ) |
| | ) |

**ORDER TO PROCEED IN FORMA PAUPERIS**

Upon consideration of LISA MYERS' Emergency Motion For Leave To Proceed In Forma Pauperis and appearing that there is not sufficient income, property, or resources with which to maintain the action and good cause appearing therefore:

**IT IS HEREBY ORDERED** that LISA MYERS shall be permitted to proceed In Forma Pauperis with this action as permitted by NRS 12.015, NRAP 24(a)(1) and 28 U.S.C. 1915.

**IT IS FURTHER ORDERED** that LISA MYERS shall proceed without prepayment of costs or fees or the necessity of giving security, and the Clerk of the Court may

file or issue any necessary writ, pleading or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading or paper without charge.

**IT IS FURTHER ORDERED** that if LISA MYERS prevails in this action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

Dated this 10 day of January, 2011.

DISTRICT COURT JUDGE

Respectfully Submitted By:

LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

///

///

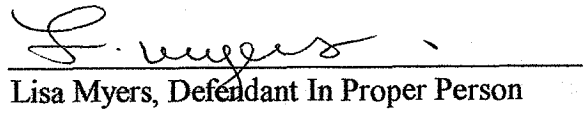
///

## CERTIFICATE OF MAILING

I hereby certify that on the 14th day of January, 2011, I mailed a true and correct copy of **NOTICE OF ENTRY OF ORDER AND ORDER** via United States Mail, postage prepaid, to the following:

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

Clerk of the Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
***(Courtesy Copy)***



Lisa Myers, Defendant In Proper Person

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | |
|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

## CERTIFICATE OF MAILING

I hereby certify that on the 17th day of February, 2011, I mailed a true and correct copy of the **EMERGENCY PETITION FOR REHEARING UNDER NRAP 40 AND, EMERGENCY MOTION UNDER NRAP 27(e)** via United States Mail, postage prepaid, to the following:

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

L. Myers

Lisa Myers, Petitioner In Proper Person

RECEIVED
FEB 18 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | |
|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

PROPER PERSON
RECEIVED/ENTERED

FEB 18 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

**EMERGENCY PETITION FOR REHEARING UNDER NRAP 40 AND, EMERGENCY MOTION UNDER NRAP 27(e)**
**(action is necessary by Friday, February 18, 2011 and before next Court hearing)**

**COMES NOW** LISA MYERS, Petitioner In Proper Person, and Petitions this Court to Rehear its Order denying Petitioner's Emergency Motion for Stay in Supreme Court Case No. 57621, as per NRAP 40. Further, Petitioner is also submitting her Emergency Motion Under NRAP 27(e).


L. Myers
LISA MYERS
9360 West Flamingo Road, Suite 110-326
Las Vegas, Nevada 89147
Telephone: (702) 401.4440
**Petitioner In Proper Person**


## 1. STANDARD OF REVIEW

**NRAP RULE 40. PETITION FOR REHEARING**

(a) Procedure and Limitations.

(1) Time. Unless the time is shortened or enlarged by order, a petition for rehearing may be filed within 18 days after the filing of the court's decision under Rule 36. The 3-day mailing period set forth in Rule 26(c) does not apply to the time limits set by this Rule.

(2) The court may consider rehearings in the following circumstances:

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FEB 18 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

(A) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or

(B) When the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case.

**NRAP RULE 27. MOTIONS**

(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion shall be governed by the following requirements:

(1) Before filing the motion, the movant shall make every practicable effort to notify the clerk of the Supreme Court and opposing counsel and to serve the motion at the earliest possible time. If an emergency motion is not filed at the earliest possible time, the Supreme Court may summarily deny the motion.

(2) A motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)" immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary.

**NRAP RULE 8. STAY OR INJUNCTION PENDING APPEAL OR RESOLUTION OF ORIGINAL WRIT PROCEEDINGS**

(d) Stays in Civil Cases Involving Child Custody. In deciding whether to issue a stay in matters involving child custody, the Supreme Court will consider the following factors: (1) whether the child(ren) will suffer hardship or harm if the stay is either granted or denied; (2) whether the nonmoving party will suffer hardship or harm if the stay is granted; (3) whether movant is likely to prevail on the merits in the appeal; and (4) whether a determination of other existing equitable considerations, if any, is warranted.

## 2. ISSUES

### A. THIS PETITIONER'S MOTION FOR STAY WAS DENIED DUE TO HAVING NO DOCUMENTS PROVIDED TO SUPPORT HER MOTION

The Supreme Court's Motion for Stay form specifically states in part: INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court. [Emphasis added]

*See* **Exhibit "1"**, attached hereto, Supreme Court's Motion for Stay form.

By this Court's own rules, Petitioner was not permitted to provide any attachments (exhibits, additional pages, etc) in order to support the claims in her Motion, *See* **Exhibit "2"**, attached herewith, Petitioner's Emergency Motion for Stay. Further, Petitioner was in the process of finalizing her Petition for Writ of Mandamus and Prohibition for filing with this Honorable Supreme Court this week, which would have included such attachments.

Moreover, this Petitioner recently and prior to receiving the Order Denying Stay (*See* **Exhibit "3"**), sent her Amended Emergency Motion for Stay, to include her Emergency Motion Under 27(e) requesting action by a certain date and prior to the parties' next Court hearing. *See* **Exhibit "4"**, attached herewith, Petitioner's Amended Emergency Motion for Stay. Therefore, Petitioner is now filing this Petition for Rehearing on this Court's Order Denying Stay, which shall include attachments of exhibits substantiating the claims and concerns contained within the Emergency Motion for Stay, Amended Emergency Motion for Stay and this Petition. Petitioner will still be filing her Petition for Writ of Mandamus and Prohibition, which shall also include these attachments and additional exhibits, as well.

## 3. SUBSTANTIAL LAWS AND RULES OVERLOOKED AND CASES INVOLVED

NRS 125C.010 Order awarding visitation rights must define rights with particularity and specify habitual residence of child.

1. Any order awarding a party a right of visitation of a minor child must:
(a) Define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and **that the best interest of the child is achieved**... [Emphasis added].

RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment shall be filed no later than 10 days after service of written notice of entry of the judgment.

RULE 60. RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate

court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, Etc.

RULE 61. HARMLESS ERROR

No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

EDCR RULE 2.20. Motions; contents; responses and replies; calendaring a fully briefed matter.

(a) All motions must contain a notice of motion setting the same for hearing on a day when the judge to whom the case is assigned is hearing civil motions and not less than 21 days from the date the motion is served and filed. A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(c) Within 10 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied...

NRCP RULE 6. TIME

(d) For Motions—Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by rule or order of the court. Such an order may, for cause shown, be made on ex parte application. When a motion or opposition is supported by affidavit, the affidavit shall be served with the motion or opposition.

(e) Additional Time After Service by Mail or Electronic Means. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

EDCR RULE 7.21. Preparation of order, judgment or decree.
The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court.

See *Doolittle v. Doolittle,* 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank,*129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law." Also, see 28 USCS Sec. 455, and Marshall v Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980), "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

**4. SUMMARIZATION OF SERIOUSNESS OF AND EMERGENT ATTENTION TO THE ISSUES AND SAFETY, HEALTH AND OVERALL WELL-BEING OF THE MINOR CHILD AND PETITIONER RIGHTS-THE COURT OVERLOOKED THE RULES AND LAWS, IS BIASED AND PREJUDICING NOT ONLY THIS MATTER BUT PETITIONER'S OTHER UNRELATED MATTER AND HER CREDIBILITY AND PLACING THE CHILD IN DIRECT HARM'S WAY**

At the 1/19/2011 hearing, Judge Moss awarded Respondent three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 11mos.), specifically giving the parties Joint Physical and Legal Custody, despite the fact this Petitioner has been the *de facto* Primary Physical and Legal Custodian of the minor child. The Judge further made her decision despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues (to include shoving Petitioner's other minor child down the stairs), violence (to include punching a hole in the wall of the parties' home), Respondent's abandonment of the minor child who has a history of RSV, Respondent's own admissions in Court and his parents own admissions. *See* **Exhibits "5" through "9"** (additional documents will be supplemented). Further, Judge Moss failed to acknowledge the fact that Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation, signed July of 2010, **Exhibit "10"** herein.

Respondent further refused a drug test and therefore waived any visitation of the minor child yet again at the parties' TPO hearing, as well.

Additionally, the minor child was recently returned to Petitioner lethargic, dehydrated, listless and ill. Petitioner had to take the minor child to her Pediatrician who thereby diagnosed her with a serious, contagious illness, in which her Pediatrician wrote a note stating she is to remain in Petitioner's care, *See* **Exhibit "11"**, attached herewith. It is extremely important to note for the record, since the Respondent has been out of the home permanently and has had no contact with the minor child as July of 2010 and up until Judge Moss' Order where Respondent began having contact with her January 19, 2011, the minor child was healthy, developing well, happy and without incident while in the care and custody of this Petitioner and her immediate family. Further, Respondent never cared for the minor child while he was "living" at the parties' townhome prior to his leave, even taking the last of the food out of the home, taking all of the parties' money, to include the money for the minor child's doctor visit and leaving the Petitioner without any necessities or food for the minor child (baby) and her other minor child. The minor child was ill with RSV at approximately 5 weeks of age and Respondent refused to quit smoking indirectly and directly around her, even yelling obscenities while the minor child was ill and having difficulty breathing, refusing to assist or acknowledge her in every way possible. Respondent still smokes to date and still refuses to cease smoking both indirectly and directly around the minor child, despite the Court's Order.

Petitioner is extremely concerned for the minor child's health, safety and overall well-being, her Pediatrician is as well, as the District Court's Order would continue to put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her, especially when she became ill in his "care" and "custody" and he failed to notify Petitioner of anything whatsoever, to include his blatant refusal to answer any questions regarding the minor child.

The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 56426, District Court Case No. 00-D-260907) and specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter.

Moreover, since I am challenging the District Court - Family Division's Orders, Petitioner will be highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It would thereby allow the District Court - Family Division to proceed with its current Orders, to include allowing them to discuss and utilize all documents and information from Petitioner's separate unrelated Supreme Court matter, forcing Petitioner to be subjected to yet another Psychological Evaluation despite the favorable reports and prior testimony of highly qualified

psychiatrists/psychologists stating she has no mental health issues whatsoever, in which this Court and opposing counsel is refusing to acknowledge.

Additionally, there exists a conflict of interest with Respondent's counsel, as Petitioner consulted with an associate attorney at Ms. Robert's law firm on this matter and Petitioner's other unrelated matter prior to the commencement of this case. It has also recently come to the attention of this Petitioner that the Office Manager/Senior Paralegal has a long-standing personal relationship with not only this Petitioner, but with the her immediate and extended family, as well. Opposing counsel, however, continues to refuse to conflict themselves out of this matter for an unknown reason. Petitioner is in the process of filing a State Bar complaint against Ms. Roberts and her firm and is in the process of filing a Motion to Disqualify, as well. Ms. Roberts' continued to harassment, perjury, attempts at the destruction of this Petitioner's credibility in this State, failure to ensure the health and safety of the subject minor (an 11 month old baby) and her failure to follow the laws and rules under her own code of ethics as counsel must not be tolerated.

## 5. SPECIFIC FACTS AND BRIEF HISTORY OF THE EVENTS IN THIS MATTER

The parties' hearing of January 19, 2011 was to be a 16.2 Case Management Conference, although opposing counsel, Amanda Roberts filed a Motion for primary physical and sole legal custody and for a psychological evaluation of this Petitioner at the last minute **providing Petitioner a copy 5 minutes prior to this 16.2 Conference**, despite NRCP 6(d)(e). No OST was ever signed and filed or provided to Petitioner, nor did Ms. Roberts ever provide Petitioner the Motion at least 5 full Judicial days prior to the scheduled hearing. Petitioner was further never given 10 days in order to properly file an Opposition/Countermotion, as per EDCR 2.20. Moreover, since opposing counsel stated she also mailed a copy of the Motion to Petitioner the same day of this hearing, Petitioner did not receive opposing counsel's Motion until after the hearing[1] Therefore, Petitioner was prejudiced in this matter as Petitioner was not properly prepared to defend or provide all necessary documentation to justify her defenses or claims.

Despite these issues, the District Court - Family Division, to specifically include Judge Cheryl B. Moss still allowed the Motion to be heard, specifically awarded the Respondent three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 11mos.), specifically giving the parties' Joint Physical and Legal Custody, despite the fact this Petitioner has been the *de facto* Primary Physical and Legal Custodian of the minor child, despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, violence (to include Respondent punching a hole in the wall of the parties' home),

---

[1] Opposing counsel, Amanda Roberts admitted at the 1/19/11 Court hearing to placing the Motion in the mail that same very day of the hearing! Ms. Roberts further admitted to having ex-parte communication with the Judge the prior week requesting her Motion to be heard at this 16.2 Case Management Conference, as well.

domestic abuse issues (to include Respondent shoving Petitioner's other minor child down the stairs), Respondent's own admissions in Court and his parents own admissions and his abandonment of the minor child who has a history of RSV (refer to Exhibits as referenced herein),to include Court's Minutes[2]. *See* **Exhibit "12"**. Judge Moss further refused to acknowledge that Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also waived any visitation and refused a drug test at the prior TPO hearing, as well.

The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 56426) and specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter. Interestingly to note, despite the fact Respondent has a conviction in the State of Colorado and that he also has mainly resided in the Carson City, Nevada area, Judge Moss only Ordered a Scope for Clark County, Nevada. (A copy of Respondent's record is forthcoming and shall be supplemented into both the Supreme Court matter, as well as the District Court matter).

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

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[2] Opposing counsel, Amanda Roberts was Ordered to prepare the 1/19/11 Order and submit it to Petitioner for review and signature. To date, however, the Order has yet to be prepared and submitted to this Petitioner. Therefore, the Order has not been signed by the Judge or filed with the Court, as per EDCR 7.21, whereby Counsel must furnish the Order to the clerk or Judge within 10 days of the ruling.

allowed the hearing to move forth discussing the Peremptory Challenge, Request for Voluntary Recusal, etcetera.

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were in fact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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, *See* **Exhibits "14" and "15"**, attached herewith, copy of the Minute Order and Notice of Appeal with reference to the decision and Order of the Peremptory Challenge.

Since this is a temporary Order, Petitioner has not yet filed an Appeal, although an Emergency Petition for Writ of Prohibition and Mandamus is forthcoming. Petitioner believes she will prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner believes this Honorable Supreme Court will act in the best interest, rights and protection of the subject minor (an 11 month old baby), rights of the Petitioner, in accordance with the laws and so as to avoid any further prejudice and bias against Petitioner in these matters. Petitioner reserves her right to supplement additional information and documentation should she deem necessary and as it becomes available.

Dated this 16th day of February, 2011.

L. Myers

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

EXHIBIT "1"

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | |
|---|---|
| _____, Appellant, vs. _____, Respondent. | Supreme Court No. _____<br>District Court No. _____ |

**MOTION FOR STAY FORM (CHILD CUSTODY)**
**FOR PARTIES WITHOUT ATTORNEYS**

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

You may file your forms in person or by mail. You must file the original and 2 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 3 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

EXHIBIT “2”

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | |
|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | Supreme Court Case No. 57621<br>District Court Case No. 00-D-434495 |

FILED
JAN 26 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

**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**

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

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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

RECEIVED
JAN 26 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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

| Filed Date | Name of Judgment or Order |
|---|---|
| 1/19/2011 hearing | Order - Awaiting Court Minutes and Order to be drafted |

***will forward certified copy of Minutes and file-stamped copy of Order when available.**

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

**Order to be Stayed.** A stay from the Nevada Supreme Court prevents enforcement of a district court order. What do you want stayed? The Order from the 1/19/2011 hearing, whereby Respondent was awarded three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (age 10mos.) despite the evidence of his mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues and his abandonment of the minor child who has a history of RSV. Respondent previously signed a Joint Agreement giving Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also waived any visitation and refused a drug test at the prior TPO hearing, as well. The Court further Ordered the Petitioner to undergo a psychological evaluation based on a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No. 54626) and specifically a 2003 report by an unqualified individual (per the State Psychological Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter.

**Statement of Facts.** Briefly explain the facts related to your request for a stay. (Your answer must be provided in the space allowed.) The hearing was to be a 16.2 Case Management Conference, although opposing counsel filed a Motion for custody at the last minute providing Petitioner a copy 5 minutes prior to this 16.2 Conference. No OST was ever signed and filed or provided to Petitioner, nor did opposing counsel Amanda Roberts ever provide Petitioner the Motion 3 days prior to the hearing, nor was Petitioner ever given 10 days in order to properly file an Opposition/Countermotion. Despite these issues, the District Court - Family Division still allowed it to be heard and allowed Petitioner's separate matter to be discussed, in depth, thereby Ordering Petitioner to undergo a Psychological Evaluation. This Order for the Evaluation is based solely on the issues from the prior matter which are currently on Appeal. Interestingly to note, despite the fact Respondent has a conviction in the State of Colorado and that he has mainly resided in the Carson City area, the Court only Ordered a Scope for Clark County, Nevada.

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

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were infact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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.

See *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, 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. 1610, 64 L. Ed. 2d 182 (1980). "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

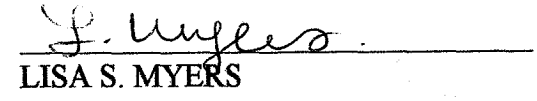
**Effect on Your Appeal.** If a stay is denied, how will this affect the issues you are appealing? (Your answer must be provided in the space allowed.) This Order is a temporary Order, therefore this Petitioner has not yet Appealed, although her Emergency Petition for Writ of Prohibition and Mandamus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

**Harm to You.** What serious harm will you experience if a stay is denied? (Your answer must be provided in the space allowed.) Not only would it put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her, but since I am challenging the District Court - Family Division's Orders, Petitioner will be highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It would thereby allow the District Court - Family Division to proceed with its current Orders, to include allowing them to discuss and utilize all documents and information from Petitioner's separate unrelated Supreme Court matter, forcing Petitioner be go through yet another Psychological Evaluation despite the favorable reports and prior testimony of highly qualified psychiatrists/psychologists stating she has no mental health issues whatsoever, in which this Court and opposing counsel is refusing to acknowledge.

**Harm to Others.** What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.) No harm whatsoever. Respondent has mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, 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.

**Success on Appeal.** Why are you likely to win this appeal? (Your answer must be provided in the space allowed.) Since this is a temporary Order, Petitioner has not yet filed an Appeal, although an Emergency Petition for Writ of Prohibition and Mandamus is forthcoming. Petitioner believes she will prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner believes this Honorable Supreme Court will act in the best interest and rights of the minor child, rights of the Petitioner, in accordance with the laws and so as to avoid any further prejudice and bias against Petitioner in these matters.

Dated this 21st day of January, 2011.



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

EXHIBIT "3"

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA S. MYERS,
Petitioner,
vs.
CALEB O. HASKINS,
Respondent.

No. 57621

FILED

FEB 10 2011

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

ORDER DENYING STAY

Petitioner, in proper person, has filed an emergency motion for a stay of a district court interim visitation order, stating that she plans to file an original writ petition challenging that order. Having reviewed the motion, we conclude that petitioner has not demonstrated that a stay is warranted. NRAP 8(d) (listing factors to be considered in determining whether a stay is warranted in a child custody matter). In particular, petitioner provided no documents whatsoever in support of her motion, and this court is therefore unable to evaluate the merits of her claims. Accordingly, we deny the motion for stay.

It is so ORDERED.

_____, J.
Cherry

_____, J.
Gibbons

_____, J.
Pickering

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Lisa S. Myers
Roberts Stoffel Family Law Group
Eighth District Court Clerk

EXHIBIT "4"

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | | |
|---|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

**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)**

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

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

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

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

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

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

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

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

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

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

Petitioner then attempted to file an Emergency Motion to Proceed in Forma Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office declined to file these documents and referred Petitioner to file all with the Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these documents were infact to be filed with the District Court Clerk's office. The District Court Clerk still declined to file such documents for Petitioner. Therefore, Petitioner attempted to e-file all to ensure no further prejudice, although the Court would not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both. Petitioner then contacted the Court and spoke with the Law Clerk for 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.

NRAP 27(e) Emergency Motions. If a movant certifies that to avoid irreparable harm relief is needed in less than 14 days, the motion shall be governed by the following requirements: 2) A motion filed under this subdivision shall include the title "Emergency Motion Under NRAP 27(e)" immediately below the caption of the case and a statement immediately below the title of the motion that states the date or event by which action is necessary. See *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889). See also Stone v Powell, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, 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. 1610, 64 L. Ed. 2d 182 (1980). "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."

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

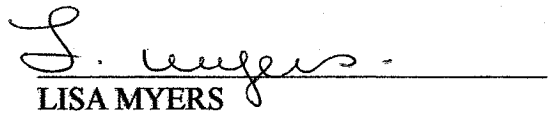
**Harm to You.** What serious harm will you experience if a stay is denied? (Your answer must be provided in the space allowed.) *It would continue to put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her. Specifically, the minor child was returned to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

**Harm to Others.** What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.) No harm whatsoever. Respondent has mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems, 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.

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

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

Dated this 15th day of February, 2011.



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

///

///

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EXHIBIT "5"

Department of Veterans Affairs

# STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT NOTICE: [illegible]

PURPOSE: [illegible]

ROUTINE USES: [illegible]

MANDATORY OR VOLUNTARY: [illegible]

| FIRST NAME, MIDDLE NAME, LAST NAME OF VETERAN (Type or print) | SOCIAL SECURITY NO. | VA FILE NO. |
|---|---|---|
| Caleb C. Hastings | | C-00 320 [illegible] |

The following statement is made in compliance with a request for information in the case of the above-named veteran.

Request for a personal hearing

1. I wish to file a claim for compensation or pension

Validation for my Service Connected Hearing impairment condition

2. I would also like to file a NEW claim for compensation

service connection for the following issues:

a. PTSD - related to IED explosions in the Bradley Fighting Vehicle

b. TBI (concussion) at the IED, Baghdad, April 2008

c. Bilateral Hearing Loss

3. Current treatment is through Las Vegas VetCenter and I also go

since June 2010

4. Thank you for your assistance

CONTINUED ON REVERSE

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE: [signature] DATE SIGNED: 6/25/10

ADDRESS: 9300 Westwanyago Rd #110-326 Las Vegas, NV 89147

TELEPHONE NUMBERS (Include area code): DAYTIME: (702) 45 1997-9 [illegible] EVENING:

PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any false or misleading statement or evidence knowing it to be false.

VA FORM 21-4138 EXISTING STOCKS OF VA FORM 21-4138 JUN 1994, WILL BE USED.

EXHIBIT "6"

Esquire

Click to Print

Close

# I Miss Iraq. I Miss My Gun. I Miss My War.

**A year after coming home from a tour in Iraq, a soldier returns home to find out he left behind.**

Rep Grp
(5) 4 and Two
(7) 12 PM
Vet Center
251-478-12
Lawrence

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building anticipation. Humvee
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ains of suicide bombers, dea
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d me, but their familiarity
t, and I couldn't stop. I click
, hungry for it. This must be
ike after a long stretch of sob
My body tingled and my sto
ner. I sliced half an onion be
he shakiness lingered. I dran
ica, my life felt very foreign.

gh for my time there to beco
e. I could see their relief whe
ents, their relief brought me
ave me home. Maybe they
ave. But I miss Iraq. I miss

wake up next to my wife and
t. Often I hated being there.
ending. I questioned my role
whether good could come of it. I wondered if it was worth dying or killing for. The
disgusted me. But war twists and shifts the landmarks by which we navigate our
darkened areas that for many people remain forever unexplored. And once those
become part of us. At a party several years ago, long before the Army, I listened
several years in the Marines tell a woman that if she carried a pistol for a day
would feel different. She would see the world differently.

EXHIBIT "7"

# FAITH

**Definition:**

[illegible]

**How does the Bible describe faith?**

Our faith is being sure of what we hope [illegible] [illegible] certain of what we do not see.

**Where does faith come from?**

Faith comes from hearing the message [illegible] the message is heard through the word of Christ.

**Who is the object of our faith?**

[illegible] Jesus Christ

**The importance of faith:**

[illegible]

**Repentance and Faith go hand-in-hand:**

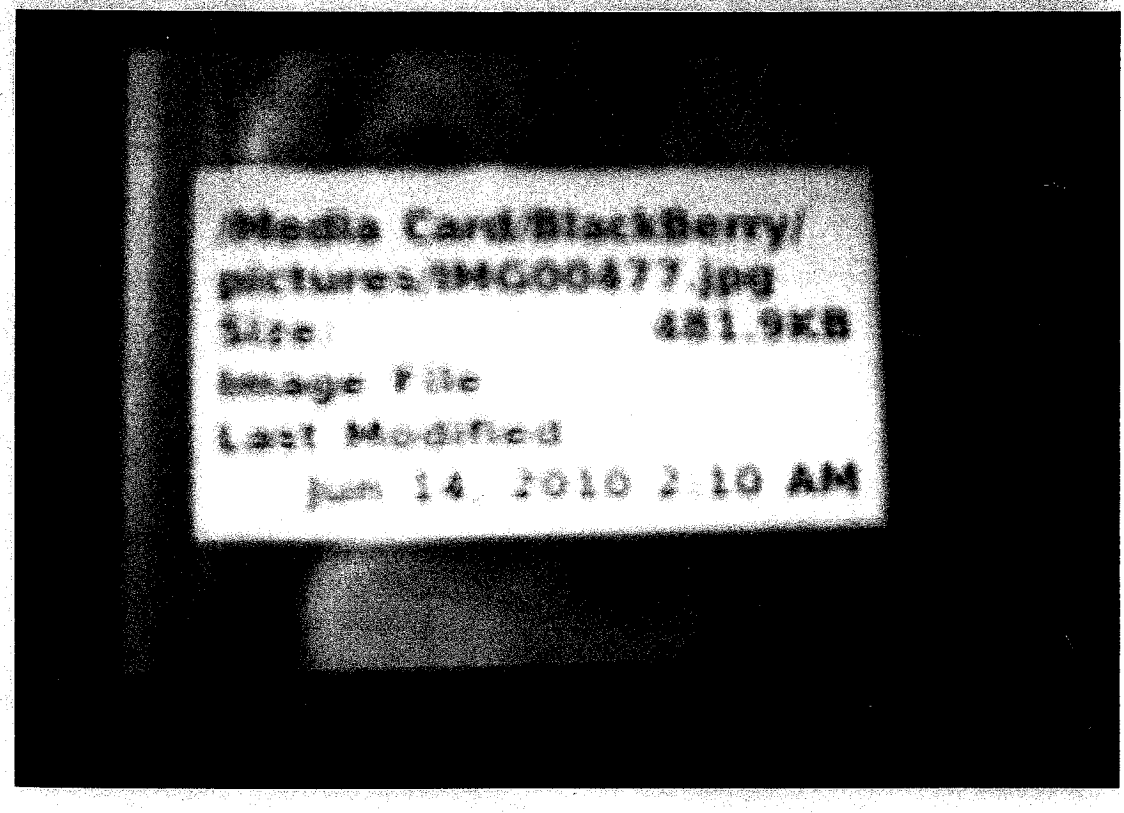
[illegible] repentance is a change of mind and attitude [illegible] unbelieving and rejecting attitude [illegible] Christ involves the [illegible] repentance and faith are inseparable [illegible] upon each other.

**Describe your personal testimony.**

[illegible]

[illegible] I am ashamed of [illegible] my beautiful wife. I can't [illegible] what I have put my family through [illegible] I have a good heart Lord. Please let me show my family how much I love them. You have been doing work on my heart Lord and I know you have forgiven me [illegible] Now please help my wife to forgive me [illegible] It will take time to heal the pain that I caused and with your help Lord I can be the husband, father and [illegible] that my family deserves! I beg you Lord, please Save my Soul ...

EXHIBIT "8"


/Media Card/BlackBerry/
pictures/IMG00477.jpg
Size: 481.9KB
Image File
Last Modified
Jun 14, 2010 2:10 AM

# EXHIBIT "9"

(Respondent's criminal record to be supplement upon receipt of same)

EXHIBIT “10”

# AGREEMENT BETWEEN CALEB AND LISA

Caleb O. Haskins, husband ["Caleb"] and Lisa S. Myers-Haskins, wife ["Lisa"] were married September 21, 2009. The parties have one minor child: Sydney Rose Myers-Haskins, age 3mos.

The parties have agreed to the following:

- Caleb and Lisa have agreed to a legal separation. Specifically, the parties separated (Caleb moved out of the home as of 7/3/2010) for the best interest of the family and so Caleb can go through counseling.

Further, the parties have also agreed to the following:

- Caleb and Lisa waive any right to spousal support from each other;
- Lisa will solely maintain and be solely responsible for the post office box located at 9360 West Flamingo Road, Suite 110-326, Las Vegas, Nevada 89147. Lisa will forward any of Caleb's mail to Caleb;
- Caleb will pay $324.39 to Lisa for the following bills, specifically: SW Gas $25.27; Cox Cable $220.44 (past due/current as no payment was made for 5/2010); and, NV Energy $78.68 (no payment made for 5/2010; May's past due and June's bill was paid 6/27/2010);
- Caleb will be solely responsible for any debt/property in his possession, control and name; any debts he incurs from this point forward will be his sole responsibility;
- Lisa will be solely responsible for any debt/property in her possession, control and name; any debts she incurs from this point forward will be her sole responsibility;
- Lisa will be the sole legal and physical custodian of the parties minor child and waives any right to child support from Caleb. [redacted] Lisa will continue to maintain any and all financial responsibilities of the minor child, including but not limited to, medical insurance and medical bills for the minor child.
- Caleb will retain as his sole and separate property any property (tangible or intangible) in his name/possession and any property he purchased prior to their marriage and any property he purchases/acquires from this point forward; and,
- Lisa will retain as her sole and separate property any property (tangible or intangible) in her name/possession and any property she purchased prior to their marriage and any property she purchases/acquires from this point forward.

**Each individual has read, understands and will comply with the above agreement.**

7-15-10

CALEB O. HASKINS DATE

7-15-10

LISA S. MYERS-HASKINS DATE

EXHIBIT "11"

BERNSTEIN PEDIATRICS
LEROY BERNSTEIN, M.D.
DEA # _____
DIANNE CYRKIEL, A.P.N., CPNP
DEA # _____ LIC. # APN0587
2121 EAST FLAMINGO ROAD, SUITE 100
LAS VEGAS, NV 89119-5123
(702) 796-7000

NAME MEYERS, MOSKINS, AGE Sidney

ADDRESS _____ DATE 2/10/11

TAMPER-RESISTANT FEATURES INCLUDE: SAFETY-BLUE ERASE-RESISTANT BACKGROUND, "ILLEGAL" PANTOGRAPH, QUANTITY CHECK-OFF BOXES AND REFILL INDICATOR

℞ Child has moderately serious illness
Adv. remain out of school while being treated this week -
2/10 thru 2/15/11

- ☐ 1-24
- ☐ 25-49
- ☐ 50-74
- ☐ 75-100
- ☐ 101-150
- ☐ 151 and over

_____ Units

Refill NR 1 2 3 4 5

(Signature)

To ensure brand name dispensing, prescriber must handwrite "Dispense As Written" on the prescription.

0HPE0146911

EXHIBIT “12”

**DISTRICT COURT**
**CLARK COUNTY, NEVADA**

**Divorce - Complaint** **COURT MINUTES** January 19, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 19, 2011** **9:00 AM** **Case Management Conference** **Case Management Conference**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

Caleb Haskins, Plaintiff, Counter Defendant, present
Lisa Myers, Defendant, Counter Claimant, present
Sydney Haskins, Subject Minor, not present

Amanda Roberts, Attorney, present
Pro Se

**JOURNAL ENTRIES**

- Parties sworn and testified.

Behavior Order SIGNED IN OPEN COURT.

Discussions by Parties and Counsel.

COURT ORDERED the following:

1. Plaintiff is REFERRED to American Toxicology Institute (ATI) for drug testing today. Defendant shall pay for the testing.

2. SCOPES shall be run on both Parties.

3. Plaintiff shall have a Polygraph Test done at his cost.

4. Both Parties shall sign HIPPA releases forthwith.

5. Defendant shall provide a list of 3-4 Outsource Evaluators to Atty Roberts within two (2) weeks.

6. Defendant shall request Plaintiff's VA medical records.

7. Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child, with exchanges every three (3) days beginning day with Plaintiff at 4:00 p.m. Exchanges shall be at the Family Court Marshall's Station during the week and Donna's House on Saturdays and Sundays. Parties will split the cost of Donna's House.

8. There is to be NO SMOKING around the minor child.

9. Parties shall communicate by e-mail on child issues only.

10. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at $621.00 per month, with 1/2 due on the 15th and last day of each month by direct deposit into Defendant's bank account. January's payment is due by the last day of January.

11. CHILD SUPPORT ARREARES are DEFERRED.

12. Defendant provides health insurance for the minor child, with proof of the child's portion, within two (2) weeks, Plaintiff shall pay 1/2 of that cost.

13. Court shall obtain the doctor's reports from the Gambini case D260907, of which Defendant is a party to.

14. Plaintiff's Motion scheduled for March 8, 2011 is VACATED.

15. Return Hearing, Calendar Call and Trial dates SET.

Case Management Order SIGNED and FILED IN OPEN COURT.

Atty Roberts shall prepare the Order from today's hearing, Defendant to sign as to form and content.

3-9-2011 10:00 AM RETURN: ATI/POLYGRAPH

4-20-2011 10:00 AM CALENDAR CALL

6-16-2011 9:30 AM NON-JURY TRIAL #1

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 08, 2011 10:30 AM Motion*
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*
*Moss, Cheryl B*
*Courtroom 13*

March 09, 2011 10:00 AM Return Hearing
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

April 20, 2011 10:00 AM Calendar Call
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

June 16, 2011 9:30 AM Non-Jury Trial
Moss, Cheryl B
Courtroom 13

EXHIBIT “13”

# REGISTER OF ACTIONS
## CASE NO. D-10-434495-D

**Caleb Obadiah Haskins, Plaintiff. vs. Lisa Myers, Defendant.**

| | |
|---|---|
| Case Type: | **Divorce - Complaint** |
| Subtype: | **Complaint Subject Minor(s)** |
| Date Filed: | **08/20/2010** |
| Location: | **Department I** |
| Conversion Case Number: | **D434495** |

### PARTY INFORMATION

| | | |
|---|---|---|
| **Defendant** | **Myers, Lisa** | **Lead Attorneys**<br>**Pro Se** |
| **Plaintiff** | **Haskins, Caleb Obadiah** | **Amanda M Roberts, ESQ**<br>*Retained*<br>702-474-7007(W) |
| **Subject Minor** | **Haskins, Sydney Rose** | |

### EVENTS & ORDERS OF THE COURT

**OTHER EVENTS AND HEARINGS**

08/20/2010 **Complaint for Divorce**
08/24/2010 **Child Support and Welfare Party Identification Sheet**
08/24/2010 **Child Support and Welfare Party Identification Sheet**
08/27/2010 **Affidavit of Resident Witness**
*Affidavit of Resident Witness*
08/27/2010 **Affidavit of Plaintiff**
*Affidavit of Plaintiff*
09/23/2010 **Peremptory Challenge**
*Peremptory Challenge*
09/28/2010 **Proof of Personal Service of Summons and Complaint**
*Affidavit of Service*
09/29/2010 **Notice of Intent to take Default**
*Notice of Intent to Take Default*
10/01/2010 **Notice of Department Reassignment**
10/05/2010 **Answer and Counterclaim**
*Answer and Counterclaim*
10/18/2010 **NRCP 16.2 Case Management Conference**
*NRCP 16.2 Case Management Conferences*
10/26/2010 **Motion**
*Motion to Withdraw as Attorney of Record*
11/22/2010 **Case Management Conference** (1:30 PM) (Judicial Officer Moss, Cheryl B)
**11/22/2010, 01/10/2011, 01/19/2011**
Parties Present
Result: Off Calendar
12/01/2010 **Reply**
*Reply to Counterclaim for Divorce*
12/06/2010 **Stipulation and Order**
*Stipulation and Order to Continue Case Management Conference*
12/07/2010 **Notice of Entry of Stipulation and Order**
*Notice of Entry of Stipulation and Order*
12/23/2010 **Order**
01/03/2011 **Notice of Entry of Order**
*Notice of Entry of Order*
01/06/2011 **Financial Disclosure Form**
*Financial Disclosure Form*
01/06/2011 **Notice of Seminar Completion EDCR 5.07**
*Notice of Seminar Completion EDCR 5.07*
01/07/2011 **Affidavit in Support**
*Affidavit In Support Of Motion For Leave To Proceed In Forma Pauperis*
01/10/2011 **Order to Proceed In Forma Pauperis**
01/10/2011 *CANCELED* **Motion for Withdrawal** (10:30 AM) (Judicial Officer Moss, Cheryl B)
*Vacated*
*order to withdraw signed on 12/23/2010*
01/10/2011 **Motion**
*Emergency Motion for Leave to Proceed in Forma Pauperis*
01/10/2011 **Financial Disclosure Form**
01/11/2011 **Minute Order** (1:30 PM) (Judicial Officer Moss, Cheryl B)
Result: Minute Order - No Hearing Held
01/11/2011 **NRCP 16.2 Case Management Conference**
*Amended NRCP 16.2 Case Management Conference*
01/14/2011 **Ex Parte Application**

| | |
|---|---|
| | *Ex Parte Application for an Order Shortening Time* |
| 01/14/2011 | **Motion** |
| | *Notice of Motion and Motion for Sole Legal Custody, Primary Physical Custody, and Independant Medical Evauation, and for Attorney Fees and Costs; Affidfavit of Caleb Haskins* |
| 01/14/2011 | **Family Court Motion Opposition Fee Information Sheet** |
| | *Family Court Motion/Opposition Fee Information Sheet* |
| 01/19/2011 | **Certificate of Service** |
| | *U.S. Mail* |
| 01/19/2011 | **Order** |
| | *for Supervised Exchange* |
| 01/19/2011 | **Order** |
| | *Mutual Behavior Order* |
| 01/19/2011 | **Case Management Order** |
| 01/28/2011 | **Certificate of Mailing** |
| | *Pursuant to NRCP 16.2 - U.S. Mail* |
| 01/28/2011 | **Notice of Entry of Order** |
| | *Notice of Entry of Order and Order To Proceed In Forma Pauperis* |
| 01/28/2011 | **Request** |
| | *Request for Voluntary Recusal of Justice* |
| 01/28/2011 | **Motion** |
| | *Motion to Recuse* |
| 03/08/2011 | *CANCELED* **Motion** (10:30 AM) (Judicial Officer Moss, Cheryl B) |
| | *Vacated - per Judge* |
| | *hearing 1-19-2011* |
| 03/09/2011 | **Return Hearing** (10:00 AM) (Judicial Officer Moss, Cheryl B) |
| | *Return Hearing re: ATI/Polyraph Test (1 Hour)* |
| 04/20/2011 | **Calendar Call** (10:00 AM) (Judicial Officer Moss, Cheryl B) |
| 06/16/2011 | **Non-Jury Trial** (9:30 AM) (Judicial Officer Moss, Cheryl B) |
| | *Non-Jury Trial #1* |

## FINANCIAL INFORMATION

| | | | | |
|---|---|---|---|---|
| | **Counter Claimant** Myers, Lisa | | | |
| | Total Financial Assessment | | | 217.00 |
| | Total Payments and Credits | | | 217.00 |
| | **Balance Due as of 02/16/2011** | | | **0.00** |
| 10/05/2010 | Transaction Assessment | | | 217.00 |
| 10/05/2010 | Wiznet | Receipt # 2010-51981-CCCLK | Myers, Lisa | (217.00) |

| | | | | |
|---|---|---|---|---|
| | **Counter Defendant** Haskins, Caleb Obadiah | | | |
| | Total Financial Assessment | | | 289.00 |
| | Total Payments and Credits | | | 289.00 |
| | **Balance Due as of 02/16/2011** | | | **0.00** |
| 08/20/2010 | Transaction Assessment | | | 289.00 |
| 08/20/2010 | Payment (Window) | Receipt # 2010-42734-FAM | Roberts Law Group PC | (289.00) |

EXHIBIT "14"

D-10-434495-D

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Divorce - Complaint** **COURT MINUTES** January 11, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 11, 2011** **1:30 PM** **Minute Order**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

Caleb Haskins, Plaintiff, Counter Defendant, not present — Amanda Roberts, Attorney, not present
Lisa Myers, Defendant, Counter Claimant, not present — Pro Se
Sydney Haskins, Subject Minor, not present

## JOURNAL ENTRIES

- Judge Moss advised the parties and Dad's attorney this question would be submitted to the Presiding Judge.

However, Judge Moss notes that after a closer review of the record and procedural history in this case, Mom's time frame to file a peremptory challenge already expired on November 5, 2010.

Procedural Question:

1. Dad filed Complaint for Divorce on 8-20-10, assigned to Judge Potter.

2. Dad filed a TIMELY Peremptory Challenge on 9-23-10.

3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10.

4. Mom filed an Answer and Counterclaim on 10-5-10.

5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10.

6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived.

7. Mom also wanted the Peremptory Challenge Fee waived for her.

8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee.

9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived.

10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case.

11. Mom's attorney never filed the Peremptory Challenge.

12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010.

13. Service was completed after three mailing days on October 21, 2010.

14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge.

15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a).

16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse.

17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases.

18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m.

D-10-434495-D

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

January 19, 2011 9:00 AM Case Management Conference
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

EXHIBIT “15”

**NOTC**
Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

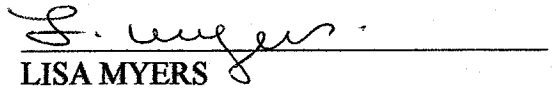
| | | |
|---|---|---|
| CALEB O. HASKINS, | ) | CASE NO.: **10-D-434495-D** |
| | ) | DEPT NO.: **I** |
| Plaintiff, | ) | |
| | ) | Supreme Court Case No. **57621** |
| vs. | ) | (associated with Emergency Motion for Stay) |
| | ) | |
| **LISA MYERS**, | ) | |
| | ) | |
| Defendant. | ) | |

**NOTICE OF APPEAL**

Notice is hereby given that LISA MYERS, Defendant In Proper Person above-named, hereby appeals to the Supreme Court of Nevada from the Minute Order of January 11, 2011 (attached herewith as Exhibit "A"). Also attached, file-stamped Order To Proceed In Forma Pauperis, Exhibit "B" herewith.

Defendant reserves her right to supplement additional information for this Appeal should it become available or necessary.

Dated this 11th day of February, 2011.



LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

EXHIBIT "A"

D-10-434495-D

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Divorce - Complaint** **COURT MINUTES** January 11, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**January 11, 2011** **1:30 PM** **Minute Order**

**HEARD BY:** Moss, Cheryl B **COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Riggs

**PARTIES:**

| | |
|---|---|
| Caleb Haskins, Plaintiff, Counter Defendant, not present | Amanda Roberts, Attorney, not present |
| Lisa Myers, Defendant, Counter Claimant, not present | Pro Se |
| Sydney Haskins, Subject Minor, not present | |

## JOURNAL ENTRIES

- Judge Moss advised the parties and Dad's attorney this question would be submitted to the Presiding Judge.

However, Judge Moss notes that after a closer review of the record and procedural history in this case, Mom's time frame to file a peremptory challenge already expired on November 5, 2010.

Procedural Question:

1. Dad filed Complaint for Divorce on 8-20-10, assigned to Judge Potter.

2. Dad filed a TIMELY Peremptory Challenge on 9-23-10.

3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10.

4. Mom filed an Answer and Counterclaim on 10-5-10.

5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10.

6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived.

7. Mom also wanted the Peremptory Challenge Fee waived for her.

8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee.

9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived.

10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case.

11. Mom's attorney never filed the Peremptory Challenge.

12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010.

13. Service was completed after three mailing days on October 21, 2010.

14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge.

15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a).

16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse.

17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases.

18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m.

D-10-434495-D

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

January 19, 2011 9:00 AM Case Management Conference
Moss, Cheryl B
Courtroom 13
Riggs, Valerie

EXHIBIT "B"

**NEOJ**
Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

| | |
|---|---|
| CALEB O. HASKINS,<br><br>Plaintiff,<br><br>vs.<br><br>**LISA MYERS,**<br><br>Defendant. | CASE NO.: **10-D-434495-D**<br>DEPT NO.: **I** |

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an **ORDER** was filed in the above-entitled matter on the 10th of January, 2011.

**DATED** this 14th day of January, 2011.

LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

///

ORIGINAL

**ORDR**

Lisa Myers
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

FILED
JAN 10 2 25 PM '11
CLERK OF THE COURT

DISTRICT COURT
**FAMILY DIVISION**
CLARK COUNTY, NEVADA

| | |
|---|---|
| CALEB O. HASKINS, | ) CASE NO.: **10-D-434495-D** |
| | ) DEPT NO.: **I** |
| Plaintiff, | ) |
| | ) |
| vs. | ) |
| | ) |
| **LISA MYERS,** | ) |
| | ) |
| Defendant. | ) |
| | ) |

**ORDER TO PROCEED IN FORMA PAUPERIS**

Upon consideration of LISA MYERS' Emergency Motion For Leave To Proceed In Forma Pauperis and appearing that there is not sufficient income, property, or resources with which to maintain the action and good cause appearing therefore:

**IT IS HEREBY ORDERED** that LISA MYERS shall be permitted to proceed In Forma Pauperis with this action as permitted by NRS 12.015, NRAP 24(a)(1) and 28 U.S.C. 1915.

**IT IS FURTHER ORDERED** that LISA MYERS shall proceed without prepayment of costs or fees or the necessity of giving security, and the Clerk of the Court may

file or issue any necessary writ, pleading or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading or paper without charge.

**IT IS FURTHER ORDERED** that if LISA MYERS prevails in this action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

Dated this 10 day of January, 2011.

DISTRICT COURT JUDGE

Respectfully Submitted By:

LISA MYERS
9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147
(702) 401-4440
**Defendant In Proper Person**

///

///

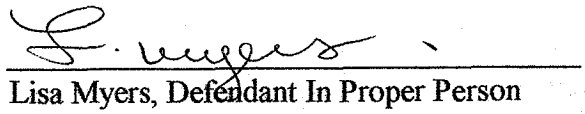
///

## CERTIFICATE OF MAILING

I hereby certify that on the 14th day of January, 2011, I mailed a true and correct copy of **NOTICE OF ENTRY OF ORDER AND ORDER** via United States Mail, postage prepaid, to the following:

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

Clerk of the Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
***(Courtesy Copy)***



Lisa Myers, Defendant In Proper Person

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | |
|---|---|
| LISA MYERS,<br><br>Petitioner,<br><br>vs.<br><br>CALEB O. HASKINS,<br><br>Respondent. | Supreme Court Case No. **57621**<br>District Court Case No. 00-D-434495 |

**CERTIFICATE OF MAILING**

I hereby certify that on the 17th day of February, 2011, I mailed a true and correct copy of the **EMERGENCY PETITION FOR REHEARING UNDER NRAP 40 AND, EMERGENCY MOTION UNDER NRAP 27(e)** via United States Mail, postage prepaid, to the following:

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

L. Myers
Lisa Myers, Petitioner In Proper Person

RECEIVED
FEB 18 2011
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK