

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MYERS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT,
FAMILY DIVISION, OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF
CLARK, AND HONORABLE FAMILY
COURT JUDGE CHERYL B. MOSS,
DISTRICT COURT JUDGE,

Respondents.

CALEB HASKINS,

Real Party in Interest.

) Supreme Court Case No. _____

) Supreme Court Case No. ~~57621~~

) (associated with Emergency Motion
) for Stay and Petition for Rehearing)

) Supreme Court Case No. 57825
) (associated with Appeal)

FILED

APR 06 2011

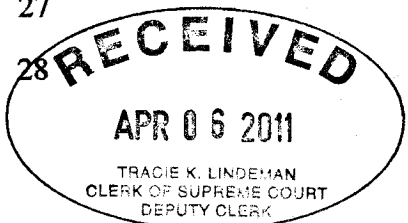
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CLERK OF SUPREME COURT

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PETITION FOR WRIT OF MANDAMUS AND PROHIBITION

Pursuant to NRAP 21, Lisa Myers, Petitioner In Proper Person, hereby petitions this Honorable Court to issue an Writ of Mandamus and Prohibition directing Family Court Judge Cheryl B. Moss or, in the alternative the assigned Family Court Judge in this matter of the Eighth Judicial District Court Family Division to be mandated to follow the Court's rules and procedures, set aside the January 19, 2011 Order, specifically with regard to custody and the requirement for a psychological evaluation of Petitioner and mainly due to the fact opposing counsel, Amanda Roberts, Esq. submitted a Motion the same day of the January 19th 16.2 Case Management Conference without properly noticing Petitioner, which was heard that date as opposing counsel



11-10273

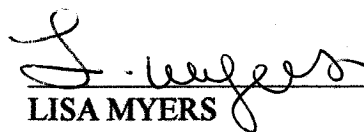
1 had ex-parte communication with the Judge who allowed this Motion to be heard and decided
2 upon. Petitioner further requests this Honorable Court to issue an Emergency Writ mandating the
3 Court to consider and accept the signed legal contractual agreement, whereby Real Party in
4 Interest gave Petitioner Sole Legal and Sole Physical Custody of the parties minor child, to wit:
5 Sydney Rose Myers-Haskins (now 12 months old), waiving any and all visitation due to his
6 mental/physical impairments, to include history of drug/alcohol abuse, conviction, anger/violence
7 issues, brain injury, post-traumatic stress disorder, depression, etc. and, thereby award Petitioner
8 Sole Legal and Sole Physical Custody of the subject minor terminating Real Party in Interest's
9 rights of the minor child due to his abandonment of this minor child and Petitioner and his agreement
10 whereby, he gave Petitioner Sole Legal and Sole Physical Custody of the minor child which he had
11 no contact with from July, 2010 through January 19, 2011 or, in the alternative giving Real Party
12 in Interest limited supervised visitation at Donna's House Central with the minor child, an Order
13 for a psychological/psychiatric evaluation of Real Party in Interest and for treatment. Additionally,
14 Petitioner requests this Honorable Court to issue a Writ prohibiting Judge Moss' Orders from
15 being enforced and prohibiting her from hearing this matter and making any further decisions/orders
16 in this matter in order for this matter to move forth in an unbiased/un-prejudicial manner with a
17 newly assigned Family Court Judge. Moreover, Judge Moss' Orders should be deemed void as
18 she has been prejudicial, bias, unlawful, and has been prompted to engage in ex-parte
19 communication by and with opposing counsel, Amanda Roberts. Finally, it is hereby requested this
20 Honorable Court issue a Writ prohibiting the Family Court Judge from utilizing, discussing and
21 considering Petitioner's other unrelated matter (Supreme Court Case No. 56426/District Court
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1 Case No. 00-D-260907) so as to prevent any further prejudice against Petitioner and her children
2 in this matter.

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4 On January 11, 2011, Family Court Judge Cheryl B. Moss issued a Minute Order
5 rendering a decision on Petitioner's Peremptory Challenge of Judge Moss' own Department stating
6 this matter will remain in her Department, See Exhibit "1", attached herewith, Minute Order from
7 January 11, 2011. Further and most importantly, on January 19, 2011, Judge Moss issued an
8 Order awarding the parties Joint Physical and Joint Legal Custody of the parties minor child despite
9 Petitioner being the *de facto* Sole Physical and Sole Legal Custodian of the subject minor and
10 Petitioner and Real Party in Interest's signed contractual agreement, whereby it was agreed that
11 Petitioner is and will have Sole Physical and Sole Legal Custody of the subject minor, with Real
12 Party in Interest waiving any and all visitation of said minor, See Exhibits "2" and "3", attached
13 herewith, Minutes from the January 19, 2011 hearing and Joint Agreement.
14
15

16 This Petition is based upon all the pleadings and records attached hereto, the
17 Memorandum of Law on why the Writ should issue, as well as any oral argument the Court may
18 entertain.
19

20 Dated this 1st day of April, 2011.
21

22 

23 LISA MYERS
24 9360 West Flamingo Road, Suite 110-326
25 Las Vegas, Nevada 89147
26 **Petitioner In Proper Person**

27 ///

I.

**STATEMENT OF FACTS NECESSARY TO AN
UNDERSTANDING OF THE ISSUE PRESENTED**

A. Underlying Facts and Issues of this Case

**1. 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]

By this Court's own rules, Petitioner who is a proper person litigant, was not permitted to provide any attachments (exhibits, additional pages, etc) in order to support the claims in her Motion. Further, Petitioner was in the process of finalizing this Petition for Writ of Mandamus and Prohibition for filing with this Honorable Supreme Court, which would have included such attachments. Since Petitioner's Motion for Stay was denied, Petitioner then filed a Petition for Rehearing, whereby she included attachments of exhibits supporting her claims and concerns in this matter (reference Supreme Court Case No. 57621).

a.

Judge Moss ruled upon Petitioner's Peremptory Challenge of her own Department despite the rules and despite the fact she said on record she was forwarding same to the Presiding Judge

Judge Moss specifically issued a Minute Order January 11, 2011 rendering a decision on

1 Petitioner's Peremptory Challenge of her own Department, specifically noting the following:

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

4 18. Court ORDERED the case shall remain in Department I...

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6
7 b.

8 **Judge Moss' failure to acknowledge Opposing Counsel/Real Party in Interest's Historic**
9 **and Systemic Failure to Properly Notice Respond to Pleadings and Lisa's Requests that**
10 **this Honorable Court Ignore any Excuses Offered by his Counsel**

11 The parties' hearing of January 19, 2011 was to be a 16.2 Case Management Conference,
12 although opposing counsel, Amanda Roberts filed a Motion for primary physical and sole legal
13 custody and for a psychological evaluation of this Petitioner at the last minute **providing Petitioner**
14 **a copy 5 minutes prior to this 16.2 Conference**, despite NRCP 6(d)(e). No OST was ever
15 signed and filed or provided to Petitioner, nor did Ms. Roberts ever provide Petitioner the Motion
16 at least 5 full Judicial days prior to the scheduled hearing. Petitioner was further never given 10
17 days in order to properly file an Opposition and Countermotion, as per EDCR 2.20. Moreover,
18 since opposing counsel stated she also mailed a copy of the Motion to Petitioner the same day of
19 this hearing, Petitioner did not receive opposing counsel's Motion until after the hearing¹ Therefore,
20 Petitioner was prejudiced in this matter as Petitioner was not properly prepared to defend or
21 provide all necessary documentation to justify her defenses or claims.
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25 ¹ Opposing counsel, Amanda Roberts admitted at the 1/19/11 Court hearing to placing the Motion
26 in the mail that same very day of the hearing! Ms. Roberts further admitted to having ex-parte
27 communication with the Judge the prior week requesting her Motion to be heard at this 16.2 Case
28 Management Conference, as well.

1 Despite these issues, the District Court - Family Division, to specifically include Judge
2 Cheryl B. Moss still allowed the Motion to be heard, specifically awarded the Real Party in Interest
3 three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now
4 11 mos.), specifically giving the parties' Joint Physical and Legal Custody, despite the fact this
5 Petitioner has been the *de facto* Sole Physical and Sole Legal Custodian of the minor child, despite
6 the evidence of his mental/physical impairments, to include brain injury, post-traumatic stress
7 disorder, depression, conviction, extensive history of drug/alcohol abuse, anger problems/violence
8 (to include Real Party in Interest punching a hole in the wall of the parties' home), domestic abuse
9 issues (to include Real Party in Interest shoving Petitioner's other minor child down the stairs), Real
10 Party in Interest's own admissions in Court and his parents own admissions and his abandonment
11 of the minor child who has a history of RSV (refer to Court's Minutes²).. Judge Moss further
12 refused to acknowledge that Real Party in Interest previously signed a contractual agreement giving
13 Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any visitation.
14 Real Party in Interest also waived any visitation and refused a drug test at the prior TPO hearing,
15 as well.

16 The Court further Ordered the Petitioner to undergo a psychological evaluation based on
17 a completely unrelated matter which is currently on Appeal (reference Supreme Court Case No.
18 56426) and specifically a 2003 report by an unqualified individual (as per the State Psychological
19

20 ² Opposing counsel, Amanda Roberts was Ordered to prepare the 1/19/11 Order and submit it to
21 Petitioner for review and signature. To date, however, the Order has yet to be prepared and submitted to
22 this Petitioner. Therefore, the Order has not been signed by the Judge or filed with the Court, as per EDCR
23 7.21, whereby Counsel must furnish the Order to the clerk or Judge within 10 days of the ruling.
24

1 Board) and despite the acceptance of expert testimony and reports rebutting same. The Court not
2 only forced Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but
3 placed her in the position of defending herself in this matter. Interestingly to note, despite the fact
4 Real Party in Interest has a conviction in the State of Colorado and that he also has mainly resided
5 in the Carson City, Nevada area, Judge Moss only Ordered a Scope for Clark County, Nevada.
6 (A copy of Real Party in Interest's record is forthcoming and shall be supplemented into both the
7 Supreme Court matter, as well as the District Court matter).

10 **2. Event leading up to the January 19, 2011 hearing**

11 The 16.2 Conference was originally noticed for November 22, 2010, although Amanda
12 Roberts, counsel for Real Party in Interest requested it be vacated at the last minute and submitted
13 a Stipulation and Order. This hearing was then vacated and the new hearing was to be noticed to
14 both counsels by the Department, although a notice was never filed and the on-line system
15 evidenced the conference as being "off calendar". During his time, Petitioner's now former counsel,
16 Preston P. Rezaee, Esq. filed a Motion to Withdraw as counsel of record, which was currently on
17 calendar for January 10, 2011, although the hearing was recently vacated as an Order granting his
18 Motion to Withdraw was signed and filed December 23, 2010, without a hearing or a filed Request
19 for Entry of Order. Mr. Rezaee never filed Petitioner's 16.2 Financial Disclosure Form signed on
20 August 15, 2010 and provided to his office, and never filed other documents while he was still
21 counsel for Petitioner. Petitioner did receive a responsive email January 3, 2011, by Mr. Rezaee's
22 secretary notifying Petitioner of the new hearing date for the 16.2 Conference (which was now
23 scheduled for the following Monday, January 10, 2011), the time of this hearing was not known.

1 Therefore, Petitioner contacted the Law Clerk who notified Petitioner of the hearing time of 10:30
2 a.m. In sum, Petitioner was never properly noticed of the new hearing date and time. Further, Real
3 Party in Interest's counsel, Ms. Roberts failed to appear on her client's behalf, although Judge
4 Moss allowed the hearing to move forth discussing the Peremptory Challenge, Request for
5 Voluntary Recusal, etcetera.
6

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

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4 Since the January 19th Order is a temporary Order, Petitioner has not yet filed an Appeal
5 or a Motion for Leave to file an Interlocutory Appeal, although Petitioner filed a Motion for Stay,
6 Petitioner for Rehearing and now this Petition for Writ of Mandamus and Prohibition in attempt and
7 in hopes this Honorable Court will review, consider and render a decision in favor of Petitioner na
8 and in the best interest of the subject minor and this Petitioner. Petitioner believes she will eventually
9 prevail as the facts, laws and rules pertaining to this matter justify same. Petitioner believes this
10 Honorable Supreme Court will act in the best interest, rights and protection of the subject minor
11 (a now 12 month old baby), rights of the Petitioner, in accordance with the laws and so as to avoid
12 any further prejudice and bias against Petitioner in these matters. Petitioner reserves her right to
13 supplement additional information and documentation should she deem necessary and as it
14 becomes available.

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18 **3. Substantial Laws and Rules Overlooked and Cases Involved**

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

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

24 **RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS**

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

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1 a motion or opposition is supported by affidavit, the affidavit shall be served with the
2 motion or opposition.

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

8 EDCR RULE 7.21. Preparation of order, judgment or decree.

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

12 See *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill*
13 *v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev.
14 1889). See also *Stone v Powell*, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067
15 (1976), whereby the following was noted, "State courts, like federal courts, have a constitutional
16 obligation to safeguard personal liberties and to uphold federal law." Also, see 28 USCS Sec. 455,
17 and *Marshall v Jerrico Inc.*, 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980), "The
18 neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis
19 of an erroneous or distorted conception of the facts or the law."

20 "Every court shall have power*** 3. To compel obedience to its lawful judgments, orders
21 and process, and to the lawful orders of its judge out of court in an action or proceeding pending
22 therein." NRS 1.210(3). This inherent power bestowed upon all courts is designed to uphold the
23 integrity of the judicial process. See Canon 1, Nevada Code of Judicial Conduct.
24

25 "When a plaintiff invokes the jurisdiction of the court and seeks to avail himself of it, the
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1 plaintiff does so with the understanding that he must abide by all lawful statutes, rules, and orders
2 applicable to Him.” *Amjur* Dismissal §§ 55.

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4 The Nevada Supreme Court in *Doolittle v. Doolittle* 70 Nev. 163, 262 P.2d 955 (1953)
5 relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, stated that, “***it is clear that the
6 rules [of civil procedure] are expected to be followed***” *Doolittle v. Doolittle* 70 Nev. 163,
7 166, 262 P.2d 955, 956 (1953). Court rules when not inconsistent with the constitution or laws
8 of the state have the effect of statutes. *See Haley v. Eureka County Bank*, 20 Nev. 410, 22 P.
9 1098 (1889). *See also Finley v. Finley*, 65 Nev. 113, 189 P.2d 334 (1948); *Lauer Et Al. v.*
10 *District Court*, 62 Nev. 78, 85, 140 P.2d 953, 956 (1943). The Nevada Supreme Court in
11 *Haley v. Eureka County Bank* 22 P. 1098 (Nev. 1889) held that:
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14 The courts may rescind, modify, or repeal their rules, or, in establishing them, may
15 reserve the exercise of discretion; but where there is no such reservation in the
16 rules, and they remain in full force, and are not in any respect repugnant to the
17 provisions of the statute, they have, as before stated, the force and effect of law,
18 and are equally binding upon the court and litigants, and should be applied
19 and enforced in all cases, and upon all questions, coming within their
20 provisions. *Haley v. Eureka County Bank*, 22 P. 1098, 1102 (Nev. 1889)
21 [Emphasis added]

22 The Nevada Supreme Court in *Doolittle v. Doolittle* 70 Nev. 163, 262 P.2d 955 (1953)
23 relying upon *Gammill v. Federal Land Bank*, 129 F.2d 502, stated that, “***it is clear that the
24 rules [of civil procedure] are expected to be followed***” *Doolittle v. Doolittle* 70 Nev. 163,
25 166, 262 P.2d 955, 956 (1953). [Emphasis added].

26 Here, in the case at bar, opposing counsel/Real Party in Interest has violated EDCR RULE
27 2.20. NRCPR RULE 6 EDCR RULE 7.21 by failing to properly notice Petitioner of said Motion

1 and ultimately failing to allow Petitioner to properly file an Opposing/Counter motion and prepare
2 to defend and present her claims. Real Party in Interest's Motion was originally calendared for
3 March 8, 2011, although was heard and decided upon January 29, 2011 without a signed and
4 filed OST and without properly noticing Petitioner.
5

6 "The general rule is that an attorney's neglect will be imputed to his client and he is held
7 responsible for it." *Valente v. First Western Savings & Loan*, 90 Nev. 377; 528 P.2d 699
8 (1974), relying upon *Link v. Wabash Railroad Co.*, 370 U.S. 626, 634 (1962); *Spering v.*
9 *Texas Butadiene & Chemical Corporation*, 434 F.2d 677 (3d Cir. 1970), cert. denied, 404
10 U.S. 854 (1971). "Generally, law office delays or failures are unacceptable excuses." *Id.*, relying
11 upon *Trudel v. Laube's Amherst, Inc.*, 336 N.Y. Supp.2d 503, 504 (1972).
12

13
14 In Judge Moss' January 19, 2011 Order, she has Ordered the following:
15

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

18 7. Parties shall share JOINT LEGAL and JOINT PHYSICAL
19 CUSTODY of the minor child, with exchanges every three (3) days
20 beginning [to]day with Plaintiff 4:00 p.m....

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

23 15. Plaintiff's Motion scheduled for March 8, 2011 is VACATED.
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25 Atty Roberts shall prepare the Order from today's hearing,
26 Defendant to sign as to form and content.
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II.

STATEMENT OF REASONS WHY WRIT SHOULD ISSUE

A. This Honorable Court should issue a Writ protecting the minor child and the rights of the Petitioner as Petitioner has no adequate or speedy remedy of law

A Petition for Writ of Mandamus and Prohibition is the only proper remedy to ensure performance of a judicial act when there is no other speedy relief of law. NRS 34.160, Smith v. Eighth Judicial District Court, 107 Nev. 674, 818 P.2d 849 (1991) and State ex rel Armstrong v. State Board of Examiners, 78 Nev. 495, 376 P.2d 492 (1962). Additionally, in August H. v. State, 105 Nev. 441, 777 P.2d 901 (1989), held that a Writ will issue to control an arbitrary exercise of discretion by the District Court. Specifically the standard of review is the following:

Therefore, this court will not disturb a decision of the district court regarding the temporary custody of children **unless the decision is affected by a manifest abuse of discretion**. See *id.*; cf. Nichols v. Nichols, 91 Nev. 479, 537 P.2d 1196 (1975) (decisions regarding child custody in a divorce action rests in the sound discretion of the district court and will not be disturbed unless the discretion is clearly abused...). [Emphasis added.]

See also Barnes v. Eighth Judicial District Court, 103 Nev. 679, 748 p.2d 483 (1987), which allows a Writ when there exists an arbitrary act by the District Court. Specifically the Court noted:

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, NRS 34.160, or to control an arbitrary or capricious exercise of discretion. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

Reference Meyer v. Eighth Judicial District Court, 110 Nev. 1357, 885 P.2d 662 (1994), and Marshall v. Eighth Judicial District Court, 108 Nev. 459, 836 P.2d 47 (1992), regarding

1 issuance of a writ of mandamus to control a arbitrary or capricious exercise of discretion. Further,
2 when an urgency exists, this Court may consider a Writ for extraordinary relief even if an alternative
3 remedy may be available, See Employers Ins. Co. of Nevada v. State Board of Examiners, 117
4 Nev. 249, 21 P.3d 628 (2001).

6 Further, Family Court Judge Cheryl B. Moss was prompted to engage in ex-parte
7 communication with and by opposing counsel, Amanda Roberts, who is also a friend of Judge
8 Moss' dating back to the time she was affiliated with the prior law firm she was affiliated with, as
9 well. Additionally, there exists a conflict of interest with Real Inspondent's counsel, as Petitioner
10 consulted with an associate attorney at Ms. Robert's law firm on this matter and Petitioner's other
11 unrelated matter prior to the commencement of this case. It has also recently come to the attention
12 of this Petitioner that the Office Manager/Senior Paralegal has a long-standing personal relationship
13 with not only this Petitioner, but with the her immediate and extended family, as well. Opposing
14 counsel, however, continues to refuse to conflict themselves out of this matter for an unknown
15 reason. Petitioner is in the process of filing a State Bar complaint against Ms. Roberts and her firm
16 and is in the process of filing a Motion to Disqualify, as well. Ms. Roberts' continued to
17 harassment, perjury, attempts at the destruction of this Petitioner's credibility in this State, failure
18 to ensure the health and safety of the subject minor (a now 12 month old baby) and her failure to
19 follow the laws and rules under her own code of ethics as counsel must not be tolerated, to include
20 engaging in ex-parte communication with the Family Court Judge assigned to this matter and
21 continually instigating ex-parte communication with said Judge for assistance and advise in litigating
22 this matter against this Petitioner.

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III.

CONCLUSION

For all of the foregoing reasons, this Petitioner requests that this Honorable Court grant a stay of the January 11, 2011 and January 19, 2011 Orders and issue a Writ of Mandamus and Prohibition as requested herein so as the Petitioner may continue to maintain Sole Legal and Sole Physical Custody of the minor child and so as the health, safety and overall well-being of the subject minor is protected and ensured. Further, since the January 19th Order is a temporary Order, Petitioner has not yet filed an Appeal or a Motion for Leave to file an Interlocutory Appeal, although Petitioner filed a Motion for Stay, Petitioner for Rehearing and now this Petition for Writ of Mandamus and Prohibition in attempt and in hopes this Honorable Court will review, consider and render a decision in favor of Petitioner and in the best interest of the subject minor and this Petitioner.

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Petitioner believes she will eventually 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 (a now 12 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 1st day of April, 2011.

S. Myers
LISA MYERS

LISA MYERS

9360 West Flamingo Road, Suite 110-326

Las Vegas, Nevada 89147

Petitioner In Proper Person

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III

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1 VERIFICATION

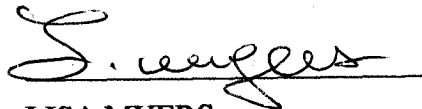
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3 STATE OF NEVADA)

4) ss:

5 COUNTY OF CLARK)

6 LISA MYERS, under penalties of perjury, being first duly sworn, deposes and says:

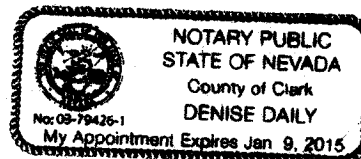
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8 That she is the Petitioner In Proper Person in the above-entitled matters; that she read
9 the foregoing PETITION FOR WRIT OF MANDAMUS AND PROHIBITION and
10 knows the contents thereof; that the same is true of her own knowledge, except for those
11 matters therein contained stated upon information and belief, and as to those matters, she
12 believes to be true.
13

14 
15 LISA MYERS

16
17 SUBSCRIBED and SWORN to before me

18 this 4 day of April, 2011.

19 
20 NOTARY PUBLIC



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EXHIBIT "1"

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

Amanda Roberts, Attorney,
not present

Pro Se

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.

PRINT DATE: 01/11/2011**Page 1 of 3****Minutes Date:****January 11, 2011**

D-10-434495-D

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 "2"

**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 "3"

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:

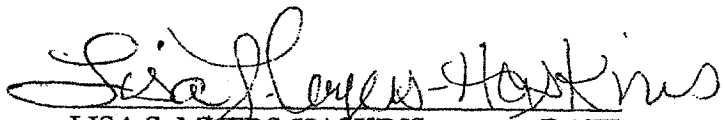
- Caleb and Lisa have agreed to a legal separation. Specifically, the parties separated (Caleb moved out of the home as of 7/3/2010) for the best interest of the family and so Caleb can go through counseling.

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. ~~Caleb will be solely responsible for the child support of the minor child.~~ 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.


CALEB O. HASKINS 7-15-10
DATE


LISA S. MYERS-HASKINS 7-15-10
DATE

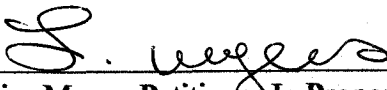
1 **CERTIFICATE OF MAILING**

2
3 I hereby certify that on the 4th day of April, 2011, I mailed a true and correct copy of the
4 foregoing **PETITION FOR WRIT OF MANDAMUS OR PROHIBITION** via United States

5 Mail, postage prepaid, to the following:

6
7 Amanda M. Roberts
8 2011 Pinto Lane, Suite 100
9 Las Vegas, Nevada 89106
10 **Attorney for Real Party in Interest**

11 Honorable Judge Cheryl B. Moss
12 Department I
13 Eighth Judicial District Court - Family Division
14 601 North Pecos Road
15 Las Vegas, Nevada 89101

16
17 
18 Lisa Myers, Petitioner In Proper Person