

IN THE SUPREME COURT OF THE STATE OF NEVADA

1  
2 LISA MYERS, ) Supreme Court Case Nos. 57621  
3 ) 58306  
4 Appellant/Petitioner, )  
5 vs. ) District Court Case No. 00-D-434495  
6 )  
7 CALEB O. HASKINS, )  
8 Respondent. )

FILED

JUN 29 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY \_\_\_\_\_  
DEPUTY CLERK

11 PETITION FOR REHEARING UNDER NRAP 40 OF ORDER DISMISSING  
12 APPEAL, DENYING PETITION FOR WRITS OF MANDAMUS AND  
13 PROHIBITION AND EMERGENCY MOTION FOR INJUNCTION

AND,

14 PETITION FOR EN BANC RECONSIDERATION UNDER NRAP 40A OF  
15 MOTION FOR STAY AND EMERGENCY MOTION TO SET ASIDE AND/OR  
16 VACATE THE DISTRICT COURT ORDER AS PER NRCP 59(e), 60 AND 61

17 COMES NOW LISA MYERS, Appellant/Petitioner In Proper Person, and Petitions this  
18 Court to Rehear its Order denying and dismissing Appeal, Petition for Writs and Motion for  
19 Injunction and, Petition for En Banc Reconsideration of Motion for Stay, et. al. in the above-  
20 referenced matters.

21 *L. Myers*  
22 LISA MYERS  
23 9360 West Flamingo Road, Suite 110-326  
24 Las Vegas, Nevada 89147  
25 Telephone: (702) 401.4440  
26 Appellant/Petitioner, in Proper Person

27 1. STANDARD OF REVIEW

28 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.

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

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

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

7 **RULE 40A. PETITION FOR EN BANC RECONSIDERATION**

8 (a) **Grounds for En Banc Reconsideration.** En banc reconsideration of a panel  
9 decision is not favored and ordinarily will not be ordered except when (1)  
10 reconsideration by the full court is necessary to secure or maintain uniformity of its  
11 decisions, or (2) the proceeding involves a substantial precedential, constitutional or  
12 public policy issue.

13 **2. ISSUES**

14 **A. APPELLANT/PETITIONER'S APPEAL (58306), PETITION FOR WRITS,**  
15 **MOTION FOR INJUNCTION AND PETITION FOR REHEARING OF**  
16 **MOTION FOR STAY WAS DENIED/DISMISSED**

17 By this Court's rules, State laws and rules and Federal laws and rules, Appellant/  
18 Petitioner's pleadings should have been granted on their merits, for the protection, safety and well-  
19 being of the subject minor and in consideration of the rights of Appellant/Petitioner and the subject  
20 minor. Further, Appellant/Petitioner's pleadings should have been granted based on the evidence  
21 supporting same.

22 Therefore, Appellant/Petitioner is now filing this Petition requesting this Court to Rehear  
23 its Order denying and dismissing Appeal, Petition for Writs and Motion for Injunction and further  
24 filing this Petition for En Banc Reconsideration of Motion for Stay, et. al. in the above-referenced  
25 matters.

26 **3. SUBSTANTIAL LAWS AND RULES OVERLOOKED AND CASES INVOLVED**

27 NRS 125C.010 Order awarding visitation rights must define rights with particularity  
28 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].

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

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

4                   **RULE 60. RELIEF FROM JUDGMENT OR ORDER**

5                   (a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record  
6                   and errors therein arising from oversight or omission may be corrected by the court at any  
7                   time of its own initiative or on the motion of any party and after such notice, if any, as the  
8                   court orders. During the pendency of an appeal, such mistakes may be so corrected before  
9                   the appeal is docketed in the appellate court, and thereafter while the appeal is pending  
10                  may be so corrected with leave of the appellate court. (b) Mistakes; Inadvertence;  
11                  Excusable Neglect; Newly Discovered Evidence; Fraud, Etc.

12                  **RULE 61. HARMLESS ERROR**

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

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

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

28                  (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

1 parte, and notice of the hearing thereof shall be served not later than 5 days before the time  
2 specified for the hearing, unless a different period is fixed by these rules or by rule or order  
3 of the court. Such an order may, for cause shown, be made on ex parte application. When  
4 a motion or opposition is supported by affidavit, the affidavit shall be served with the  
motion or opposition.

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

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

10 The counsel obtaining any order, judgment or decree must furnish the form of the same to  
11 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.

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

14 (d) Stays in Civil Cases Involving Child Custody. In deciding whether to issue a stay in  
15 matters involving child custody, the Supreme Court will consider the following factors: (1)  
16 whether the child(ren) will suffer hardship or harm if the stay is either granted or denied;  
17 (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.

18  
19 Fourteenth Amendment of the United States Constitution, CAPTA, Violence  
20 Against Women Act, 18 U.S.C., 42 U.S.C., et. al.

21 Harrison, 780 F. 2d at 1428, whereby the following was held by Federal Circuit Courts,  
22 "that state officials may not take retaliatory action against an individual designed... to punish him  
23 for having exercised his constitutional right to seek judicial relief..." (citing cases from the Eleventh,  
Seventh, Fifth, Third, and Tenth Circuits) 804 F. 2d 953.

24 *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v.*  
25 *Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev.  
1889). *Stone v Powell*, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976),  
26 whereby the following was noted, "State courts, like federal courts, have a constitutional obligation  
27 to safeguard personal liberties and to uphold federal law." Also, see 28 USCS Sec. 455, and  
28 *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

1 of an erroneous or distorted conception of the facts or the law.”

2 Appellate is appearing in proper person, *See Haines v. Kerner*, 404 U.S. 519 (1972), *Hall*  
3 *v. Bellmon*, 935 F. 2d 1106 (10<sup>th</sup> Cir.) (1991), F.R.C.P. 8 and applicable SCR's. Also, please  
4 find attached herewith, the file-stamped Order To Proceed In Forma Pauperis, Exhibit "1".

5  
6 **4. SUMMARIZATION OF SERIOUSNESS OF THE ISSUES AND SAFETY AND**  
7 **HEALTH OF THE SUBJECT MINOR**

8 Not only is the Order from the January 19<sup>th</sup> hearing be deemed void, appeal to be granted,  
9 but the Petition for Writs, Petition for Rehearing of Motion for Stay, but the Motion for an  
10 Injunction to be granted, as well. The main issue being appealed is Judge Moss' Order from the  
11 1/19/2011 hearing, whereby Respondent was awarded three full unsupervised days with the  
12 parties minor child, Sydney Rose Myers-Haskins (now age 14mos.) despite the evidence of his  
13 parental neglect/abuse, mental and physical impairments, conviction, extensive history of drug and  
14 alcohol abuse, anger problems, domestic abuse issues and his abandonment of the minor child who  
15 has a history of RSV and now of being hospitalized with seizures on life-support. The subject minor  
16 has had URI, Gastrointestinal Virus, Vomiting, Diarrhea, Strep (Nasal - rare), Seizures, Fever,  
17 been on life-support, oxygen, testing, CAT scan, Lumbar Puncture, EEG, continuous weight loss,  
18 sleep deprivation, bruising, reaction to smoke inhalation, etc., since Respondent began having  
19 contact with the subject minor as of January 19, 2011. *See* Court file, medical note from Dr. Leroy  
20 Bernstein and medical record of Summerlin Hospital (additional medical records will be  
21 supplemented to this pleading), whereby he noted that the subject minor is to remain in the custody  
22 of Appellant/Petitioner (mother) due to an illness contracted while under the care and custody of  
23 Respondent she had to treat and be medicated for. **If the unsupervised contact with**  
24 **Respondent continues, the subject minor will continue to be ill in his care and custody due**  
25 **to his parental neglect and abuse. The subject minor, Sydney Rose was on life-support**  
26 **and was hospitalized, how much more must she endure to this "void" and prejudicial**  
27 **Order of Judge Moss before this Honorable Supreme Court interferes and supercedes**  
28 **this Order?**

21 Moreover, Respondent previously signed a Joint Agreement giving  
22 Appellant/Petitioner Sole Physical and Sole Legal Custody of the parties minor child  
23 waiving any visitation. Respondent also waived any visitation and refused a drug test at the prior  
24 TPO hearing, as well. Judge Moss refused to acknowledge this legal contractual agreement  
25 between the parties to no avail, *See* Court's file for legal agreement signed by Respondent.

26 As a result of Judge Moss' acceptance of opposing counsel's Motion and her  
27 decisions/orders rendered as a result, the Court Ordered this Appellant/Petitioner to the names of  
28 two psychologists in which the Court will Order Appellant/Petitioner to undergo a mental/medical/  
psychological evaluation based on a completely unrelated matter which is on Appeal (reference  
prior Supreme Court Case No. 56426 and, Supreme Court Nos. 58585 through 58591) and

1 specifically a 2003 report by an unqualified individual (per the State Psychological Board) and  
2 despite the acceptance of expert testimony and reports rebutting same by numerous Psychiatrists,  
3 Psychologist and therapist. The Court not only forced Appellant/Petitioner to discuss in detail this  
4 completely unrelated matter which is on Appeal, but placed her in the position of defending herself  
5 in this matter. As a further result and despite the Behavioral Order, Respondent has slandered  
6 Appellant/Petitioner by calling her a psychopath, crazy, sicko and has continued to slander her at  
7 the downtown police station, at medical facilities, at the Court, to others, to her personally and her  
8 family, etc. in attempt to harass, threaten, defame her character and redirect the severity of his own  
9 personal mental and physical impairments, to include drug abuse, psychiatric treatments, refusal  
10 to take his bipolar medication, etc. (as per documentation and his own testimony as previously  
11 provided) he has away from him and onto Appellant/Petitioner. Respondent even threatened  
12 Appellant/Petitioner, the subject minor and Appellant/Petitioner's mother while the subject minor  
13 was recently hospitalized (reports from the hospital security and police department are forthcoming  
14 and will be supplemented to this pleading).

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

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

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

28 Despite these issues, Judge Moss still allowed the Motion to be heard, specifically awarded

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

1 the Respondent three full unsupervised days with the parties minor child, specifically giving the  
2 parties' Joint Physical and Legal Custody, despite the fact this Appellant/Petitioner has been the  
3 *de facto* Sole Physical and Sole Legal Custodian of the minor child, despite the evidence of his  
4 mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger  
5 problems, violence (to include Respondent punching a hole in the wall of the parties' home),  
6 domestic abuse issues (to include Respondent shoving Appellant/Petitioner's other minor child  
7 down the stairs), Respondent's own admissions in Court and his parents own admissions and his  
8 abandonment of the minor child who has a history of RSV and now of being hospitalized with  
9 seizures and on life-support. See Court file for Exhibits, to include Court's Minutes<sup>2</sup>. Judge Moss  
further refused to acknowledge that Respondent previously signed a Joint Agreement giving  
Appellant/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 parties' initial TPO  
hearing, as well.

10 The Court further Ordered the Appellant/Petitioner to provide the names of two  
11 psychologists so the Court may Order her to undergo a medical/mental/psychological evaluation  
12 based on a completely unrelated matter which is currently on Appeal (reference prior Supreme  
13 Court Case No. 56426 and, Supreme Court Case Nos. 58585 through 58591) and specifically  
14 a 2003 report by an unqualified individual (as per the State Psychological Board) and despite the  
15 acceptance of expert testimony and reports rebutting same. The Court not only forced  
16 Appellant/Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but  
17 placed her in the position of defending herself in this matter. Interestingly to note, despite the fact  
18 Respondent has a conviction in the State of Colorado and that he also has mainly resided in the  
19 Carson City, Nevada area, Judge Moss only Ordered a Scope for Clark County, Nevada. (A  
20 copy of Respondent's record is forthcoming and shall be supplemented into both the Supreme  
21 Court matter, as well as the District Court matter).

22 Additionally to note, the events leading up to this hearing. The 16.2 Conference was  
23 originally noticed for November 22, 2010, although Amanda Roberts, counsel for Respondent  
24 requested it be vacated at the last minute and submitted a Stipulation and Order. This hearing was  
25 then vacated and the new hearing was to be noticed to both counsels by the Department, although  
26 a notice was never filed and the on-line system evidenced the conference as being "off calendar".  
27 During his time, Appellant/Petitioner's now former counsel, Preston P. Rezaee, Esq. filed a Motion  
28 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

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<sup>2</sup> Opposing counsel, Amanda Roberts was Ordered to prepare the 1/19/11 Order and submit it to  
Appellant/Petitioner for review and signature. Ms. Roberts, however, failed to prepare and submit the  
1/19/11 Order to the Court until months later. **The NEOJ of that Order was not filed until late April, 2011,**  
**despite EDCR 7.21**, whereby Counsel must furnish the Order to the clerk or Judge within 10 days of the  
ruling. Why is Appellant/Petitioner being held accountable to this constant abrogations of opposing  
counsel, Ms. Roberts, when Appellant/Petitioner is not an attorney and appearing in proper person and  
ultimately being prejudiced in her matters?

1 filed December 23, 2010, without a hearing or a filed Request for Entry of Order. Mr. Rezaee  
2 never filed Appellant/Petitioner's 16.2 Financial Disclosure Form signed on August 15, 2010 and  
3 provided to his office, and never filed other documents while he was still counsel for  
4 Appellant/Petitioner. Appellant/Petitioner did receive a responsive email January 3, 2011, by Mr.  
5 Rezaee's secretary notifying Appellant/Petitioner of the new hearing date for the 16.2 Conference  
6 (which was now scheduled for the following Monday, January 10, 2011), the time of this hearing  
7 was not known. Therefore, Appellant/Petitioner contacted the Law Clerk who notified  
8 Appellant/Petitioner of the hearing time of 10:30 a.m. In sum, Appellant/Petitioner was never  
9 properly noticed of the new hearing date and time,

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

20 Importantly, Judge Moss admitted there was ex-parte communication between herself and  
21 opposing counsel, Amanda Roberts of Roberts Stoffel and therefore recused herself from this  
22 matter. **Specifically and most importantly due to the severity of the health and safety of**  
23 **the minor child, the Order of the January 19<sup>th</sup> hearing should be deemed "void" as it was**  
24 **based on prejudice and illegal acts by both the Justice and opposing counsel, See Valley**  
25 **v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S. Ct. 116 (1920), Kenner v. C.I. R., 387**  
26 **F. 3d 689 (1968) and 7 Moore's Federal Practice, 2d ed., p. 512, ¶60.23. Further, with regard**  
27 **to some of the decisions and Orders issued by Judge Moss she lacked the jurisdiction to render**  
28 **same, See U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980),**  
**Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed. 257 (1821) and People v. Miller, 339**  
**Ill. 573 (1930).**

///



1 **Why should this Appellant/Petitioner and most importantly the subject minor, a now**  
2 **14month old baby suffer the consequences of such? Who will be liable if the subject minor**  
3 **becomes ill again or something worse while in Respondent's care and custody? How does**  
4 **the Court or this Appellant/Petitioner reverse the damage that has been caused to the**  
5 **subject minor by Respondent? What if the subject minor was not able to breath on her**  
6 **own and taken off life-support while she was recently hospitalized, what if her little body**  
7 **gave up as a result of the damage caused by Respondent? Why isn't the Courts**  
8 **protecting this child or Appellant/Petitioner's rights as a concerned, caring mother?**  
9 **Should this Appellant/Petitioner file a Federal Complaint, keep sending the child back**  
10 **with Respondent? When is this situation rectified for the safety of the minor child and**  
11 **Appellant/Petitioner (her mother)?** The subject minor is not fully recovered, is still recuperating  
12 on medication with close monitoring with exceptional care and nourishment from the  
13 Appellant/Petitioner, Her weight has increased while in Appellant/Petitioner's care and custody and  
14 even while she has returned home from being hospitalized.

15 Although and despite the fact this case is on Appeal, opposing counsel, Ms. Roberts  
16 decided to file a Motion to be heard on OST before the District Court Judge, now Judge  
17 Duckworth, in which the Judge dissolved the TPO (which was deferred by hearing master Lynn  
18 Conant at the June 13<sup>th</sup> Motion to Extend TPO to the June 15<sup>th</sup> hearing before Judge Duckworth)  
19 against the Adverse Party/Respondent, failed to an evidentiary hearing on same and rendered new  
20 Orders and Findings in the D-case matter and in favor of the Respondent and his counsel. Further,  
21 Judge Duckworth stated he will give the Respondent Sole Physical and Sole Legal Custody of the  
22 minor child if Appellant/Petitioner did not follow the prior Order of Judge Moss and give the  
23 Respondent his 3 unsupervised days of time with the subject minor. Again, despite the evidence  
24 of his mental/physical impairments, history of drug abuse, violence and child abuse/neglect upon  
25 the subject minor.

## 18 6. CONCLUSION

19  
20 In conclusion, Appellant/Petitioner again pleads with Honorable Court that she will prevail  
21 as the facts, laws, rules and the safety and severity of the subject minor's medical issues justify  
22 same. Appellant believes this Honorable Supreme Court will act in the best interest and rights of  
23 the minor child, rights of the Appellant, in accordance with the laws and so as to avoid any further  
24 prejudice and bias against Appellant in these matters.

25 Since I am challenging the District Court - Family Division's Orders, Appellant/Petitioner  
26 will again be highly prejudiced in both this on-going and her Supreme Court matter as referenced  
27 herein. It would thereby allow the District Court - Family Division to proceed with its current  
28 Orders, to include allowing them to discuss and utilize all documents and information from  
Appellant/Petitioner's separate unrelated Supreme Court matter, forcing Appellant/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.



EXHIBIT "1"

ORIGINAL

1 **ORDER**  
2 Lisa Myers  
3 9360 West Flamingo Road, No. 110-326  
4 Las Vegas, Nevada 89147  
5 (702) 401-4440  
6 **Defendant In Proper Person**

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

**FILED**

JAN 10 2 25 PM '11

*Christina L. Johnson*  
CLERK OF THE COURT

8 CALEB O. HASKINS, ) CASE NO.: 10-D-434495-D  
9 ) DEPT NO.: I  
10 Plaintiff, )  
11 vs. )  
12 LISA MYERS, )  
13 Defendant. )  
14 \_\_\_\_\_ )

15 **ORDER TO PROCEED IN FORMA PAUPERIS**

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

20 **IT IS HEREBY ORDERED** that LISA MYERS shall be permitted to proceed In  
21 Forma Pauperis with this action as permitted by NRS 12.015, NRAP 24(a)(1) and 28 U.S.C.  
22 1915.

24 **IT IS FURTHER ORDERED** that LISA MYERS shall proceed without  
25 prepayment of costs or fees or the necessity of giving security, and the Clerk of the Court may  
26

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

2

3 **IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this

4

5 State shall make personal service of any necessary writ, pleading or paper without charge.

6

7 **IT IS FURTHER ORDERED** that if LISA MYERS prevails in this action, the Court

8

9 shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court,

10

11 within five (5) days, the costs which would have been incurred by the prevailing party, and

12

13 those costs must then be paid as provided by law.

14

15 Dated this 10 day of January, 2011.

16

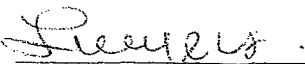
17

  
DISTRICT COURT JUDGE

18

19 Respectfully Submitted By:

20



21

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

22

**Defendant In Proper Person**

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IN THE SUPREME COURT OF THE STATE OF NEVADA

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2		
3	LISA MYERS,	) Supreme Court Case No. 57621
4		) 58306
5	Appellate/Petitioner,	) District Court Case No. 00-D-434495
6	vs.	)
7	CALEB O. HASKINS,	)
8	Respondent.	)
9	_____)	

CERTIFICATE OF MAILING

I hereby certify that on the 24<sup>th</sup> day of June, 2011, I mailed a true and correct copy of the PETITION FOR REHEARING UNDER NRAP 40 OF ORDER DISMISSING APPEAL, DENYING PETITION FOR WRITS OF MANDAMUS AND PROHIBITION AND EMERGENCY MOTION FOR INJUNCTION AND, PETITION FOR EN BANC RECONSIDERATION UNDER NRAP 40A OF MOTION FOR STAY AND EMERGENCY MOTION TO SET ASIDE AND/OR VACATE THE DISTRICT COURT ORDER AS PER NRCP 59(e), 60 AND 61 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**

*L. Myers*

\_\_\_\_\_  
Lisa Myers, Appellate/Petitioner  
In Proper Person

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