

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MYERS,

Appellate/Petitioner,

vs.

CALEB O. HASKINS,

Respondent.

) Supreme Court Case No. 57825  
) District Court Case No. 00-D-434495

FILED

APR 14 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malme*  
DEPUTY CLERK

MOTION FOR EXTENSION TO FILE PETITION FOR REHEARING  
UNDER NRAP 40

COMES NOW LISA MYERS, Appellate/Petitioner In Proper Person, and hereby moves this Court for an Order allowing a ten (10) day extension of time in which to serve and file Appellant/Petitioner's Petition for Rehearing Under NRAP 40 in the above-entitled matter. This Motion is made and based upon the facts as set forth below.

*L. Myers*

LISA MYERS  
9360 West Flamingo Road, Suite 110-326  
Las Vegas, Nevada 89147  
Appellate/Petitioner In Proper Person

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BRIEF FACTS

On February 23, 2011, LISA MYERS, Appellate/Petitioner filed her Notice of Appeal in reference to a decision and Order rendered by Family Court Judge Cheryl B. Moss in the above-referenced matter. Appellate immediately began to prepare the above-stated documents in an effort to comply with the rules after her Appeal was denied, Order in which to file Petition for Writ was filed and an additional Order in another unrelated matter with the Supreme Court was filed; specifically all three of these Orders were filed March 18, 2011; however, in speaking with the Clerk of the Supreme Court and in calculating the due date for the filing of the response and requested pleadings, Appellate was informed the Petition for Writ in her associating case (Case

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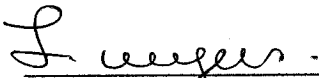
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Las Vegas Drop Box  
CLERK OF SUPREME COURT  
APR 12 PM 3:17

1 No. 57621) was due fifteen days after the Order of March 18, 2011, specifically due on Monday,  
2 April 4, 2011 since the fifteenth day fell on a Sunday, therefore this Petition for Rehearing in this  
3 matter was due eighteen days after the Order of March 18, 2011, specifically due on Wednesday,  
4 April 6, 2011. Appellate/Petitioner filed her Petitioner for Writ on-time and therefore, filed her  
5 Petition for Rehearing the following Wednesday, April 6<sup>th</sup> with the Supreme Court of Nevada, Las  
6 Vegas (17<sup>th</sup> floor of the Regional Justice Center), whereby the clerks forwarded all to the  
7 Supreme Court Clerk of the Supreme Court of Nevada, Carson City.

8 When Appellate/Petitioner contacted the Clerk of the Supreme Court in Carson City to  
9 confirm their receipt of same from the Supreme Court in Las Vegas, she was informed she was  
10 only one day late in her filing of the Petition for Rehearing and therefore her pleadings were being  
11 returned un-filed. Specifically, the pleading was due Tuesday, April 5, 2011 and that  
12 Appellate/Petitioner's pleadings with all copies would be forwarded back to her so she could file  
13 this Motion for Extension in which to file her Petition for Rehearing. Appellate/Petitioner received  
14 her Petition for Rehearing file-stamped "Returned Unfiled APR 08 2011..." yesterday evening,  
15 April 11<sup>th</sup>, See Exhibit "1", attached hereto. Therefore, based upon inadvertence, error and the  
16 fact that this Petitioner is appearing In Proper Person, Appellate filed the Petition for Rehearing one  
17 day late and is thereby requesting an extension of time in which to re-submit for filing her Petition  
18 for Rehearing.

19 As such, Appellate/Petitioner respectfully requests a ten (10) day extension of time in which  
20 to file and serve her Petition for Rehearing Under NRAP 40 in the above-entitled matter<sup>1</sup>.

21 Dated this 12<sup>th</sup> day of April, 2011.

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23 \_\_\_\_\_  
24 LISA MYERS  
25 9360 West Flamingo Road, No. 110-326  
26 Las Vegas, Nevada 89147  
27 **Appellate/Petitioner In Proper Person**

28 ///  
///  
///

29 \_\_\_\_\_  
30 <sup>1</sup> Appellate/Petitioner is also forwarding for re-submission an Original and 6 copies of her  
31 Petitioner for Rehearing/Certificate of Mailing for filing with the Clerk of the Supreme Court of Nevada,  
32 Carson City at the time of filing of this Motion for Extension.

**EXHIBIT "1"**



SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
TRACIE K. LINDEMAN, CLERK  
201 SOUTH CARSON STREET, SUITE 201  
CARSON CITY, NEVADA 89701-4702

Telephone  
(775) 684-1600

April 8, 2011

Lisa Myers  
9360 W. Flamingo Rd., Ste. 110-326  
Las Vegas, NV 89147

Re: Myers vs. Haskins, no. 57825

Dear Ms. Myers:

We are returning, unfiled, the "Petition For Rehearing Under NRAP 40" received in this office on April 8, 2011, in the above-entitled matter.

A petition for rehearing may be filed within 18 days after the filing of the court's decision. Pursuant to NRAP 40(f), "The clerk shall not receive or file an untimely petition, but shall return the petition unfiled."

Sincerely,

Linda Hamilton  
Deputy Clerk

Enclosure

cc: Roberts Stoffel Family Law Group

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IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MYERS, )  
Appellate/Petitioner, )  
vs. )  
CALEB O. HASKINS, )  
Respondent. )

Supreme Court Case No. 57825  
District Court Case No. 00-D-434495

RETURNED  
UNFILED  
APR 08 2011  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: DEPUTY CLERK

PETITION FOR REHEARING UNDER NRAP 40

COMES NOW LISAMYERS, Appellate/Petitioner In Proper Person, and Petitions this Court to Rehear its Order denying Appellate/Petitioner's Appeal of the January 11, 2011 Order.

*L. Myers*  
LISA MYERS  
9360 West Flamingo Road, Suite 110-326  
Las Vegas, Nevada 89147  
Appellate/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:

(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.

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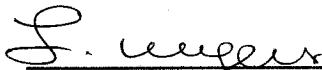
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**CERTIFICATE OF MAILING**

I hereby certify that on the 12<sup>th</sup> day of April, 2011, I mailed a true and correct copy of the **MOTION FOR EXTENSION TO FILE PETITION FOR REHEARING UNDER NRAP 40** 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

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