

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Respondent.

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

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.

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

(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.

RECEIVED
APR 14 2011
TRADE K. LINDEMAN
CLERK OF SUPREME COURT
ST. LOUIS, MO.

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT
11 APR 12 PM 3:18
11-12618

1 **2. ISSUES**

2 **A. THIS APPELLATE/PETITIONER'S APPEAL WAS DENIED AS THE**
3 **ORDER ISSUED BY JUDGE MOSS WAS NOT A FINAL ORDER**

4
5 The January 11, 2011 Order of Judge Moss, while it be a Minute Order, was drafted by
6 the Department and filed with the Court without hearing. The Department never drafted the Minute
7 Order in a final "Order" format, nor did the Department draft and file a Notice of Entry of Order.
8 Judge Moss did render a final decision when she decided she will continue as the assigned Judge
9 in this matter and denied the Peremptory Challenge.

10 QUESTION: Was is this Appellate/Petitioner's duty or responsibility as a pro per litigant
11 to draft the an actual Order and Notice of Entry of Order, despite the fact a hearing was never held
12 and no parties were present when the Judge rendered her decisions for this Minute Order? Should
13 a pro per litigant be held to the same or higher standard than a licensed attorney or Judge?

14 Additionally and ironically, Judge Moss issued a subsequent Minute Order, whereby a
15 hearing was never held, nor were parties present, however, the Department drafted and filed a
16 Notice of Entry for that Minute Order.

17 QUESTION: Why didn't the Department make certain to follow through and draft the
18 Notice of Entry of the January 11, 2011 Minute Order then? Why isn't there consistency within
19 the Department? QUESTION: Is a pro per litigant responsible to make certain the procedures,
20 rules and laws are followed by the Judges, Departments, Court and lawyers? And, if these rules,
21 procedures and laws are not followed by these individuals or entities, should a pro per litigant then
22 be faulted, denied their right of due process or appeal and be expected to know the rules and laws
23 when they are not represented, in pro per and lack the knowledge of a licensed attorney and
24 Judge? Why should a pro per litigant be held to the same or high standard(s) than a licensed
25 attorney, Judge or Court?

26 Further and most concerning, as a result of Judge Moss' decision to intercept
27 Appellate/Petitioner's Peremptory Challenge of her as a Judge and her Department and render a
28 final decision, whereby she would stay on as the Judge and deny this Appellate/Petitioner's
Peremptory Challenge, she further prejudiced this matter, is attempting to prejudice this
Appellate/Petitioner's other unrelated matter and thereby made decisions and orders pertaining to
custody of the subject minor, evaluation, etcetera despite the facts, concerns, laws and overall best
interest of the subject minor (a now 12 month old baby). See Exhibit "1", attached hereto,
January 11, 2011 Minute Order of Judge Moss, Dept. I, Family Court.

1 Appellate/Petitioner has even filed a Voluntary Recusal and Motion to Recuse said Judge,
2 to no avail; specifically, Judge Moss denied the Request for Voluntary Recusal and has yet to
3 render a decision on the Motion to Recuse, *See Exhibit "2"*, attached hereto. Just recently, Judge
4 Moss filed a Minute Order stating she will recuse herself in this matter due to the fact opposing
5 counsel, Amanda Roberts contacted her requesting advice/assistance in this matter, *See Exhibit*
6 *"3"*, attached hereto.

7 In addition to the above and import to note for the record, this Appellate/Petitioner recently
8 filed a Petition for Rehearing in Supreme Court Case No. 57621, whereby this Honorable Court
9 denied Appellate/Petitioner's Motion for Stay and now denied the Petition for Rehearing in that
10 matter despite the evidence, facts, laws, rules and circumstances surrounding that matter. Please
11 reference any and all exhibits in that matter for assistance in rendering a decision in this Appellate
12 matter, as well. If Judge Moss would not have interfered with this Appellate/Petitioner's
13 Peremptory Challenge of her as Judge and Department, another Judge would've randomly been
14 reassigned or if she would've just voluntarily recused herself when requested pursuant to
15 Appellate/Petitioner's Request for Voluntary Recusal of Motion to Recuse, she would not have
16 rendered any prejudicial/biased decisions regarding custody and the evaluation. She rendered
17 those decisions after she made her decision on the Peremptory Challenge and after opposing
18 counsel submitted her Motion for Custody the same day at the 16.2 Case Management
19 Conference, without properly/legally noticing this Appellate/Petitioner.

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

21 SCR 48.1. Procedure for change of judge by peremptory challenge.

22 2. A notice of peremptory challenge of judge shall be filed in writing with the clerk of the
23 court in which the case is pending and a copy served on the opposing party. The filing shall
24 be accompanied by a fee of \$300, which the clerk shall transmit to the clerk of the
25 supreme court. The fee shall be collected by the clerk of the supreme court and deposited
26 in the state treasury for the support of the travel and reasonable and necessary expenses
27 of district judges, senior justices and judges, and former justices and judges incurred in the
28 performance of judicial duties, and, thereafter for other expenditures deemed reasonable
and necessary by the supreme court. Within 2 days of the notice of peremptory challenge
having been filed, the clerk of the district court shall...

6. The judge against whom a peremptory challenge is filed shall not contact any party or
the attorney representing any party, nor shall the judge direct any communication to the
clerk of the district court with respect to reassignment of the case in which the peremptory
challenge was filed.

1 7. The filing of an affidavit of bias or prejudice without specifying the facts upon which the
2 disqualification is sought, which results in a transfer of the action to another district judge
3 is a waiver of the parties' rights under this rule. A peremptory challenge under this rule is
4 a waiver of the parties' rights to transfer the matter to another judge by filing an affidavit
5 of bias or prejudice without specifying the facts upon which the disqualification is sought.

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

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

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

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

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

17 **RULE 61. HARMLESS ERROR**

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

25 **EDCR RULE 7.21. Preparation of order, judgment or decree.**

26 The counsel obtaining any order, judgment or decree must furnish the form of the same to
27 the clerk or judge in charge of the court within 10 days after counsel is notified of the
28 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

1 neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis
2 of an erroneous or distorted conception of the facts or the law.”

3 Appellate/Petitioner is In Proper Person and requests to reserve her right to supplement
4 information in this section as she is in the process of researching the additional laws and rules
5 pertaining to this section.

6 **4. SUMMARIZATION OF SERIOUSNESS OF THE ISSUES AND SAFETY, HEALTH**
7 **AND OVERALL WELL-BEING OF THE MINOR CHILD AND**
8 **APPELLATE/PETITIONER'S RIGHTS DUE TO JUDGE MOSS' DENIAL OF THE**
9 **PEREMPTORY CHALLENGE AND DECISION TO REMAIN AS THE ASSIGNED**
10 **JUDGE IN THIS MATTER**

11 **A. The Court Overlooked the Rules and Laws, Is Biased and Prejudicing Not Only**
12 **this Matter but Appellate/Petitioner's Other Unrelated Matter and Her Credibility and**
13 **Placing the Child in Direct Harm's Way**

14 Due to Judge Moss' decision on Appellate/Petitioner's Peremptory Challenge in this
15 matter, Judge Moss went on to hold a 16.2 Case Management Conference on January 19, 2011,
16 whereby she ensued further damage and prejudice to this matter. Specifically, Judge Moss
17 awarded Respondent three full unsupervised days with the parties minor child, Sydney Rose
18 Myers-Haskins (now 12mos.), specifically giving the parties Joint Physical and Legal Custody,
19 despite the fact this Appellate/Petitioner has been the *de facto* Sole Physical and Sole Legal
20 Custodian of the minor child. The Judge further made her decision despite the evidence of his
21 mental and physical impairments, to include a brain injury, depression, post-traumatic stress
22 disorder, etc., conviction, extensive history of drug and alcohol abuse, anger problems, domestic
23 abuse issues (to include shoving Appellate/Petitioner's other minor child down the stairs), violence
24 (to include punching a hole in the wall of the parties' home), Respondent's abandonment of the
25 minor child who has a history of RSV, Respondent's own admissions in Court and his parents own
26 admissions.

27 Further, Judge Moss failed to acknowledge the fact that Respondent previously signed a
28 Joint Agreement giving Appellate/Petitioner Sole Physical and Sole Legal Custody of the parties
minor child waiving any visitation, signed July of 2010, **Exhibit "4"** 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 has been returned to Appellate/Petitioner lethargic,
dehydrated, listless and ill with viruses. Appellate/Petitioner had to take the minor child to her
Pediatrician who thereby diagnosed her with a serious, rare, contagious illness, in which her
Pediatrician wrote a note stating she is to remain in Appellate/Petitioner's care. Most recently, the
subject minor was vomiting continuously while in Respondent's "care" and "custody" and had to

1 be taken to the urgent care and given anti-nausea medication, she was diagnosed with yet another
2 virus. It is extremely important to note for the record, since the Respondent has been out of the
3 home permanently and has had no contact with the minor child as July of 2010 and up until Judge
4 Moss' Order where Respondent began having contact with her January 19, 2011, the minor child
5 was healthy, developing well, happy and without incident while in the care and custody of this
6 Appellate/Petitioner and her immediate family. Further, Respondent never cared for the minor child
7 while he was "living" at the parties' townhome prior to his leave, even taking the last of the food
8 out of the home, taking all of the parties' money, to include the money for the minor child's doctor
9 visit and leaving this Appellate/Petitioner without any necessities or food for the minor child (baby)
10 and her other minor child. The minor child was ill with RSV at approximately 5 weeks of age and
11 Respondent refused to quit smoking indirectly and directly around her, even yelling obscenities
12 while the minor child was ill and having difficulty breathing, refusing to assist or acknowledge her
13 in every way possible. Respondent still smokes to date and still refuses to cease smoking both
14 indirectly and directly around the minor child, despite the Court's Order.

15 Appellate/Petitioner is extremely concerned for the minor child's health, safety and overall
16 well-being, her Pediatrician is as well, as Judge Moss' Orders subsequent to her decision/Minute
17 Order of January 11, 2011, where she denied Appellate/Petitioner's Peremptory Challenge and
18 Request for Voluntary Recusal, would continue to put the minor child in direct harm's way by
19 allowing Respondent to have the 3 unsupervised days with her, especially when she continues to
20 become ill in his "care" and "custody".

21 Further, subsequent to Judge Moss' Order denying Appellate/Petitioner's Peremptory
22 Challenge and Voluntary Recusal request, she further Order the Appellate/Petitioner to undergo
23 a psychological evaluation based on a completely unrelated matter which is currently on Appeal
24 (reference Supreme Court Case No. 56426, District Court Case No. 00-D-260907) and
25 specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and
26 despite the acceptance of expert testimony and reports rebutting same. The Court not only forced
27 Appellate/Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but
28 placed her in the position of defending herself in this matter.

21 Moreover, since I am challenging the District Court - Family Division's Orders and Judge
22 Moss as the assigned Judge in this matter (until recently when she recused herself due to opposing
23 counsel's ex-parte communication with her), Appellate/Petitioner has been and will continue to
24 be highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It
25 would thereby allow the District Court - Family Division to proceed with its current Orders, to
26 include allowing them to discuss and utilize all documents and information from
27 Appellate/Petitioner's separate unrelated Supreme Court matter, forcing Appellate/Petitioner to
28 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.

1 There still continues to exists a conflict of interest with Respondent's counsel, as
2 Appellate/Petitioner consulted with an associate attorney at Ms. Robert's law firm on this matter
3 and Appellate/Petitioner's other unrelated matter prior to the commencement of this case. It has
4 also recently come to the attention of this Appellate/Petitioner that the Office Manager/Senior
5 Paralegal has a long-standing personal relationship with not only this Appellate/Petitioner, but with
6 the her immediate and extended family, as well. Opposing counsel has also engaged in ex-parte
7 communication with Department I/Judge Moss throughout this matter and has continued to engage
8 in discovery after the filing of the Appeal in this matter and to present. Opposing counsel, however,
9 continues to refuse to conflict themselves out of this matter for an unknown reason.
10 Appellate/Petitioner is in the process of filing a State Bar complaint against Ms. Roberts and her
11 firm and is in the process of filing a Motion to Disqualify, as well. Ms. Roberts' continued to
12 harassment, perjury, attempts at the destruction of this Appellate/Petitioner's credibility in this
13 State, failure to ensure the health and safety of the subject minor (a 12month old baby) and her
14 failure to follow the laws and rules under her own code of ethics as counsel must not be tolerated.

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 psychological evaluation of this Appellate/Petitioner at the last minute **providing**
19 **Appellate/Petitioner a copy 5 minutes prior to this 16.2 Conference**, despite NRC 6(d)(e).
20 **No OST was ever signed and filed or provided to Appellate/Petitioner, nor did Ms. Roberts ever**
21 **provide Appellate/Petitioner the Motion at least 5 full Judicial days prior to the scheduled hearing.**
22 Appellate/Petitioner was further never given 10 days in order to properly file an
23 Opposition/Counermotion, as per EDCR 2.20. Moreover, since opposing counsel stated she also
24 mailed a copy of the Motion to Appellate/Petitioner the same day of this hearing,
25 Appellate/Petitioner did not receive opposing counsel's Motion until after the hearing¹ Therefore,
26 Appellate/Petitioner was prejudiced in this matter as Appellate/Petitioner was not properly
27 prepared to defend or provide all necessary documentation to justify her defenses or claims.

28 Despite these issues, the District Court - Family Division, to specifically include Judge
29 Cheryl B. Moss still allowed the Motion to be heard, specifically awarded the Respondent three
30 full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 12mos.),
31 specifically giving the parties' Joint Physical and Legal Custody, despite the fact this
32 Appellate/Petitioner has been the *de facto* Sole Physical and Sole Legal Custodian of the minor
33 child, despite the evidence of his mental and physical impairments, conviction, extensive history of

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

1 drug and alcohol abuse, anger problems, violence (to include Respondent punching a hole in the
2 wall of the parties' home), domestic abuse issues (to include Respondent shoving
3 Appellate/Petitioner's other minor child down the stairs), Respondent's own admissions in Court
4 and his parents own admissions and his abandonment of the minor child who has a history of RSV.
5 Judge Moss further refused to acknowledge that Respondent previously signed a Joint Agreement
6 giving Appellate/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.

7 The Court further Ordered the Appellate/Petitioner to undergo a psychological evaluation
8 based on a completely unrelated matter which is currently on Appeal (reference Supreme Court
9 Case No. 56426) and specifically a 2003 report by an unqualified individual (as per the State
10 Psychological Board) and despite the acceptance of expert testimony and reports rebutting same.
11 The Court not only forced Appellate/Petitioner to discuss in detail this completely unrelated matter
12 which is on Appeal, but placed her in the position of defending herself in this matter. Interestingly
13 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).

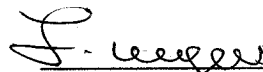
14 It is important to note the events leading up to this hearing. The 16.2 Conference was
15 originally noticed for November 22, 2010, although Amanda Roberts, counsel for Respondent
16 requested it be vacated at the last minute and submitted a Stipulation and Order. This hearing was
17 then vacated and the new hearing was to be noticed to both counsels by the Department, although
18 a notice was never filed and the on-line system evidenced the conference as being "off calendar".
19 During his time, Appellate/Petitioner's now former counsel, Preston P. Rezaee, Esq. filed a Motion
20 to Withdraw as counsel of record, which was currently on calendar for January 10, 2011, although
21 the hearing was recently vacated as an Order granting his Motion to Withdraw was signed and
22 filed December 23, 2010, without a hearing or a filed Request for Entry of Order. Mr. Rezaee
23 never filed Appellate/Petitioner's 16.2 Financial Disclosure Form signed on August 15, 2010 and
24 provided to his office, and never filed other documents while he was still counsel for
25 Appellate/Petitioner. Appellate/Petitioner did receive a responsive email January 3, 2011, by Mr.
26 Rezaee's secretary notifying Appellate/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, Appellate/Petitioner contacted the Law Clerk who notified
Appellate/Petitioner of the hearing time of 10:30 a.m. In sum, Appellate/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 allowed the hearing to move forth
discussing the Peremptory Challenge, Request for Voluntary Recusal, etcetera.

27 Appellate/Petitioner then attempted to file an Emergency Motion to Proceed in Forma

1 Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court
2 Clerk's office declined to file these documents and referred Appellate/Petitioner to file all with the
3 Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was
4 determined that these documents were in fact to be filed with the District Court Clerk's office. The
5 District Court Clerk still declined to file such documents for Appellate/Petitioner. Therefore,
6 Appellate/Petitioner attempted to e-file all to ensure no further prejudice, although the Court would
7 not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both.
8 Appellate/Petitioner then contacted the Court and spoke with the Law Clerk for the Presiding
9 Judge in attempt at a resolution to the above circumstances, who then in turn spoke with the
10 assigned Department I and the Supreme Court. While the Law Clerk informed he was awaiting
11 a response from Supreme Court legal counsel, he later informed he passed the Peremptory
12 Challenge, and associating documents on to the assigned Department I, Department I is the same
13 very Department in which this Appellate/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 Appellate/Petitioner's
Peremptory Challenge, attached herewith, copy of the Minute Order and Notice of Appeal with
reference to the decision and Order of the Peremptory Challenge.

14 Since this is a temporary Order, Appellate/Petitioner has not yet filed a Motion for Leave
15 to file an Interlocutory Appeal, although Appellate/Petitioner filed a Motion for Stay,
16 Appellate/Petitioner for Rehearing and most recently, a Petition for Writ of Prohibition and
17 Mandamus. It is this Appellate/Petitioner's hope and belief she will prevail as the facts, laws and
18 rules pertaining to this matter justify same. Appellate/Petitioner believes this Honorable Supreme
19 Court will act in the best interest, rights and protection of the subject minor (a 12month old baby),
20 rights of the Appellate/Petitioner, in accordance with the laws and so as to avoid any further
prejudice and bias against Appellate/Petitioner in these matters. Appellate/Petitioner reserves her
right to supplement additional information and documentation should she deem necessary and as
it becomes available.

21 Dated this 12TH day of April, 2011.

22
23 

24 LISA MYERS

25 9360 West Flamingo Road, No. 110-326

26 Las Vegas, Nevada 89147

27 **Appellate/Petitioner In Proper Person**

28 ///

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

Amanda Roberts, Attorney,
not present

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

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"

1 MTN
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**

7 DISTRICT COURT
8 FAMILY DIVISION
9 CLARK COUNTY, NEVADA

10 CALEB O. HASKINS,
11 Plaintiff,

12 vs.

13 LISA MYERS,
14 Defendant.

) CASE NO.: 10-D-434495-D
) DEPT NO.: I
)
)
) Supreme Court Case No. 57621
)
)
)
)
)

15
16 **MOTION TO RECUSE**

17 COMES NOW, LISA MYERS, Defendant In Proper Person [hereinafter referred to as,
18 "Defendant"], and hereby moves to recuse Judge Cheryl B. Moss from the above-captioned
19 matter under 28 USCS Sec. 455, and Marshall v. Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610,
20 64 L. Ed. 2d 182 (1980). "The neutrality requirement helps to guarantee that life, liberty, or
21 property will not be taken on the basis of an erroneous or distorted conception of the facts or the
22 law."

23 Judge Cheryl B. Moss has failed to guarantee my personal liberties and failed to uphold
24 the laws and rules in her courtroom in this matter, she has also failed to do so in other matters to
25 other litigants. as well. She has refused to hear the facts and review the evidence in the matter, and
26 more specifically has refused to make certain the minor child subject to this matter is protected
27 against the Plaintiff. As per *Pearson v. Pearson* 110 Nev. 293, 871 P.2d 343 (1994), a party has
28 a right to state their case prior to the Court Ordering the change of custody or termination of
visitation or rights.

The United States Constitution guarantees an impartial, unbiased Judge who will always

1 provide litigants with full protection of all rights. See also Stone v Powell, 428 US 465, 483 n. 35,
2 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976), whereby the following was noted, "State courts, like
3 federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal
4 law." See Doolittle v. Doolittle, 70 Nev. 163, 262 P.2d 955 (1953) relying upon Gammill v.
5 Federal Land Bank, 129 F.2d 502, and Haley v. Eureka County Bank 22 P. 1098 (Nev.
6 1889).

7 Importantly to note and for the record, Judge Cheryl B. Moss was the assigned Judge in
8 05-D-331264, Wells v. Wells, whereby Defendant/mother warned the Court of her ex-husband's
9 behavior and possession of firearms. Instead of safeguarding the minor children under the law,
10 Judge Moss allowed the father unsupervised time with them, even after the children expressed their
11 concerns and wants to be their mother. One of the minor children, Syber Wells shot himself and
took his own life to save and protect his brothers lives while in the father's "care and custody", as
a result. In other matters, trial has been on-going for in excess of five (5) years despite SCR 251,
whereby the Judge "must resolve the issues affecting the custody or visitation of the child or
children within six months...", although Judge Moss continuously has failed to do so.

12 In sum, Judge Moss has placed children in harms way, failing to protect them, placing
13 mothers unjustifiably on supervised visitation for lengthy periods of time and taking children away
14 from their mothers without any lawful reasoning whatsoever.

15 PREFATORY STATEMENT

16 At the January 19, 2011 hearing, Judge Moss specifically awarded Plaintiff Haskins three
17 (3) full unsupervised days with the minor child each week, again despite the evidence of Plaintiff
18 Haskins' mental and physical impairments, conviction, extensive history of drug (mainly
19 methamphetamine use) and alcohol abuse, anger problems, domestic abuse issues and his
20 abandonment of the minor child who has a history of RSV and of which he has never taken care
21 of since birth. Judge Moss even disregarded the fact that Plaintiff Haskins previously signed a Joint
22 Agreement giving Defendant Sole Physical and Sole Legal Custody of the parties minor child
23 waiving any visitation whatsoever. Plaintiff Haskins also waived any visitation and refused a drug
24 test at the prior TPO hearing, as well. Judge Moss further Ordered the Defendant to undergo a
25 psychological evaluation based on a completely unrelated matter which is currently on Appeal
26 (reference Supreme Court Case No. 56426/00-D-260907) and specifically a 2003 report by John
27 Paglini, an unqualified individual (per the State Psychological Board) and despite the acceptance
of expert testimony by Dr. Brown (psychiatrist), Dr. Towle and Dr. Lenkeit and reports of Dr.
Sohr (psychiatrist), Dr. Brown, Dr. Towle, Judy Jacobson and Dr. Lenkeit stating Lisa had no
evidence of mental illness, rebutting John Paglini's heresay "report". Again, **all reports concluded**
Defendant Lisa Myers has no evidence of mental illness/disorder. Further, the
reports and testimony of both Dr. Brown and Dr. Towle evidenced that **John Paglini's report**

1 and testimony was based on heresay and was unqualified.

2 Interestingly to note, John Paglini was originally referred by Jennifer Elliot-Tovano, then
3 Marriage Family Therapist who submitted a letter in red to the Court personally attacking
4 Defendant and referring Defendant to John Paglini. Jennifer Elliot-Tovano is not qualified to
5 diagnose any mental health illness/disorder whatsoever, nor was she even legally able to testify
6 when she became a Family Court Judge, although she testified as a witness for Plaintiff and against
7 Defendant attempting to diagnose Defendant at the parties' trial. Also interestingly to note, a CPS
8 worker was caught perjuring herself in Court and a Social Worker admitted to misrepresenting
9 himself, as well. The minor child's (subject this unrelated matter) Pediatrician noted Defendants
10 care of the minor child as reasonable and of no concern, although had concerns with regard to the
11 minor child's continuous weight loss during the time the minor child was in Plaintiff Paul Gambini's
12 care. There are also voluminous third-party Court documents evidencing child abuse upon the
13 minor child (subject this unrelated matter) by Plaintiff Paul Gambini and testimony by the custodian
14 of records entered into the Court's record and as Trial exhibits, although Trial has not yet been
15 concluded and this matter is on Appeal.

16 Therefore, the Court not only forced Defendant to discuss in detail this completely
17 unrelated matter which is on Appeal under the jurisdiction of the Supreme Court of Nevada, but
18 placed Defendant in the position of defending herself in this matter and against the attacks by
19 opposing counsel Amanda Roberts and Plaintiff Haskins and comments and Orders by Judge
20 Moss. Judge Moss further failed to again acknowledge the evidence, facts and testimony of Plaintiff
21 Haskins' mental and physical impairments, conviction, extensive history of drug (mainly
22 methamphetamine use) and alcohol abuse, anger problems, domestic abuse issues and his
23 abandonment of the minor child who has a history of RSV and of which he has never taken care
24 of since birth. Judge Moss further disregarded the fact that Plaintiff Haskins previously signed a
25 Joint Agreement giving Defendant Sole Physical and Sole Legal Custody of the parties' minor child
26 waiving any visitation whatsoever and his waiver of any visitation and refusal of a drug test at the
27 prior TPO hearing, as well.

28 POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS NECESSARY TO AN UNDERSTANDING OF THE ISSUE PRESENTED

A.

Underlying Facts of the Case

1 This divorce child custody action involves the legal and physical custody and protection of
2 the minor child, Sydney Rose Myers-Haskins, born March 30, 2010 (age 10 months). Interestingly
3 to note, Plaintiff signed a Joint Agreement in July of 2010, giving Defendant Sole Physical and Sole
4 Legal Custody of the minor child waiving any visitation. Plaintiff Haskins also waived any visitation
5 and refused a drug test at the prior TPO hearing, as well. Plaintiff Haskins even questioned
6 paternity, as noted within his Complaint for Divorce. Plaintiff Haskins has an extensive history of
7 drug and alcohol abuse, mental and physical impairments (some of which he has recently re-filed
8 a claim with the VA Disability for), conviction in the State of Colorado, anger problems, domestic
9 abuse and abandoned the minor child who has a history of RSV.

10 At the January 19, 2011 hearing, Judge Moss specifically awarded Plaintiff three (3) full
11 unsupervised days with the minor child each week, again despite the evidence of Plaintiff's mental
12 and physical impairments, conviction, extensive history of drug and alcohol abuse, anger problems,
13 domestic abuse issues and his abandonment of the minor child who has a history of RSV,
14 Defendant's Plaintiff Haskins previously signed a Joint Agreement giving Defendant Sole Physical
15 and Sole Legal Custody of the parties minor child waiving any visitation. Plaintiff Haskins also
16 waived any visitation and refused a drug test at the prior TPO hearing, as well. The Court further
17 Ordered the Defendant to undergo a psychological evaluation based on a completely unrelated
18 matter which is currently on Appeal under the jurisdiction of the Supreme Court of Nevada
19 (reference Supreme Court Case No. 56426/00-D-260907) and specifically a 2003 report by an
20 unqualified individual (per the State Psychological Board) and despite the acceptance of expert
21 testimony specifically by Dr. Brown, Dr. Towle and Dr. Lenkeit and reports of Dr. Sohr, Dr.
22 Brown, Dr. Towle, Judy Jacobson and Dr. Lenkeit stating Lisa had no evidence of mental illness
23 and rebutting John Paglini's heresay, unqualified "report".

24 Again, **all reports referenced above concluded Defendant has no evidence of**
25 **mental illness/disorder.** Further, the reports and testimony of both Dr. Brown and Dr. Towle
26 evidenced that **John Paglini's report and testimony was based on heresay and was**
27 **unqualified.** The Court accepted all of Defendant's expert reports, to include Dr. Sohr
28 (psychiatrist), Dr. Brown (psychiatrist), Dr. Towle and Judy Jacobson. Interestingly to note, John
Paglini was originally referred by Jennifer Elliot-Tovano, MFT who submitted a letter in red to the
Court personally attacking Defendant and referring Defendant to John Paglini. Jennifer Elliot-
Tovano is not qualified to diagnose mental health illness/disorder, nor was she to provide testimony
informing same, nor was she legally allowed to testify as a witness in this matter when she became
a Family Court Judge, but she did. Judge Gaston was the assigned Judge who was also running for
re-election at the time and **never** allowed the conclusion of Trial, nor did the newly elected Judge
Miley ever allow the conclusion of Trial in this matter, but rendered an Order and Decision
removing Defendant as the primary custodian of the minor child (subject this unrelated matter)
placing her on supervised visitation for a lengthy period of time, then ultimately suspending all
visitation and contact with the minor child, again due to this unqualified, unsubstantiated, heresay
report by John Paglini and his recommendations. Therefore, the Defendant had no choice but to

1 Appeal the Orders in that matter to the Supreme Court of Nevada. The case is still currently
2 on Appeal with the jurisdiction of the Nevada Supreme Court.

3 Judge Moss not only forced Defendant to discuss in detail this completely unrelated matter
4 which is on Appeal and under the jurisdiction of the Supreme Court of Nevada, but placed her in
5 the position of defending herself in this matter and allowing opposing counsel Amanda Roberts to
6 continuously discuss and attack Defendant. Judge Moss rendered her decisions, at what was to
7 be a 16.2 Case Management Conference/hearing, solely on opposing counsel's discussion of this
8 unrelated matter and the details and acceptance of this unrelated matter, ultimately defaming
9 Defendant, subjecting her to verbal attacks in the courtroom and placing the subject minor, Sydney
10 Rose Myers-Haskins in a harmful situation with Plaintiff. Further, Judge Moss advised she will
11 forward the unrelated matter which is on Appeal with John Paglini's report to the psychologist she
12 will be ordering Defendant to seek for yet another evaluation biasing and prejudicing both matter,
13 and will allow that file to be opened, reviewed, considered and discussed in this matter, as well.

14 This January 19, 2011 hearing was on calendar as a 16.2 Case Management Conference,
15 not a Motion hearing. Although opposing counsel, Amanda Roberts filed a Motion for custody at
16 the last minute providing Defendant a copy 5 minutes prior to this 16.2 Conference. No OST was
17 ever signed and filed or provided to Defendant, nor did opposing counsel Amanda Roberts ever
18 provide Defendant the Motion 3 days prior to the hearing, nor was Defendant ever given 10 days
19 in order to properly file an Opposition/Counter motion under the rules. Despite these issues, Judge
20 Moss still allowed it to be heard and allowed Defendant's separate matter to be discussed, in
21 depth, thereby Ordering Defendant to undergo a Psychological Evaluation and giving the subject
22 minor (a 10 month old baby) to the Plaintiff in direct harms way. This Order for the Evaluation is
23 based solely on the issues from the prior matter which are currently on Appeal. Interestingly to
24 note, despite the fact Plaintiff Haskins has a conviction in the State of Colorado and that he has
25 mainly resided in the Carson City area, the Court only Ordered a Scope for Clark County,
26 Nevada. Opposing counsel and Plaintiff also violated the Mutual Behavioral Order by personally
27 contacting and conversing with not only Defendant's family member(s), but her former husband (in
28 which is the party subject to the Appeal) about the unrelated case which is currently on Appeal and
further discussing Defendant's unsubstantiated mental health issues and details of reports, child
support, minor child associated with the unrelated case, etcetera to include in Plaintiff's Motion and
argument/testimony in Court and in attempt to continue to defame Defendant and prejudice this
matter.

23 B.

24 Procedural Facts of this Matter

25 It is important to note, the 16.2 Conference was originally noticed for November 22, 2010,
26 although Amanda Roberts, counsel for Plaintiff Haskins requested it be vacated at the last minute
27

1 and submitted a Stipulation and Order. This hearing was then vacated and the new hearing was to
2 be noticed to both counsels by the Department, although a notice was never filed and the on-line
3 system evidenced the conference as being "off calendar". During his time, Defendant's now former
4 counsel, Preston P. Rezaee, Esq. filed a Motion to Withdraw as counsel of record, which was
5 currently on calendar for January 10, 2011, although the hearing was recently vacated as an Order
6 granting his Motion to Withdraw was signed and filed December 23, 2010, without a hearing or
7 a filed Request for Entry of Order. Mr. Rezaee never filed Defendant's 16.2 Financial Disclosure
8 Form signed on August 15, 2010 and provided to his office, and never filed other documents while
9 he was still counsel for Defendant. Defendant did receive a responsive email January 3, 2011, by
Mr. Rezaee's secretary notifying Defendant 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, Defendant contacted the Law Clerk who notified Defendant of the
hearing time of 10:30 a.m. Defendant was never properly noticed of the new hearing date and time.

10 Defendant then attempted to file an Emergency Motion to Proceed in Forma Pauperis,
11 Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's office
12 declined to file these documents and referred Defendant to file all with the Nevada Supreme Court.
13 In speaking with the Clerk and Supervisor of the Supreme Court, it was determined that these
14 documents were infact, to be filed with the District Court Clerk's office. The District Court Clerk
15 still declined to file such documents for Defendant. Therefore, Defendant attempted to e-file all to
16 ensure no further prejudice, although the Court would not allow the Peremptory Challenge or
17 Motion to be e-filed, thereby rejecting them both. Defendant then contacted the Court and spoke
18 with the Law Clerk for the Presiding Judge in attempt at a resolution to the above circumstances,
19 who then in turn spoke with the assigned Department I and the Supreme Court. While the Law
20 Clerk informed he was awaiting a response from Supreme Court legal counsel, he later informed
21 he passed the Peremptory Challenge, and associating documents on to the assigned Department
I, Department I is the same very Department in which this Defendant 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 Defendant's
Peremptory Challenge.

22 II.

23 LAW AND ARGUMENT

24 A.

25
26 This Honorable Court should issue an Order Granting Defendant's Motion to Recuse

1 Specifically, it is requested this Honorable Court issue an Order granting Defendant's
2 Motion to Recuse under 28 USCS Sec. 455, Disqualification of Justice, Judge, Or Magistrate and
3 Marshall v. Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980). "The
4 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."

5 The United States Constitution guarantees an impartial, unbiased Judge who will always
6 provide litigants with full protection of all rights. See Stone v Powell, 428 US 465, 483 n. 35, 96
7 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.**" [Emphasis Added]
8

9 Refer to *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon
10 *Gammill v. Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098
(Nev. 1889).

11 CONCLUSION

12
13 In conclusion, Judge Moss rendered a decision denying Defendant's Peremptory Challenge
14 of her own Department, denied Defendant's Request for Voluntary Recusal, allowed opposing
15 counsel's Motion for custody to be heard and ruled upon without proper notice ultimately
16 prejudicing Defendant, failed to protect the minor child from Plaintiff Haskins, failed to
17 acknowledge or even consider the evidence of the signed Joint Agreement of July, 2010, whereby
18 Plaintiff Haskins gave Defendant Sole Physical and Sole Legal Custody of the minor child waiving
any visitation, failed to acknowledge Plaintiff Haskins' waiver of visitation and refusal of drug testing
at the prior TPO hearing and failed to consider Plaintiff Haskins' extensive history of drug and
alcohol abuse, mental and physical impairments (some of which he has recently re-filed a claim with
the VA Disability for), conviction in the State of Colorado, anger problems, domestic abuse and
abandonment of the minor child who has a history of RSV and evidence as provided in Court.
Judge Moss further allowed a completely unrelated matter in which she has no jurisdiction over and
which is currently on Appeal under the jurisdiction of the Nevada Supreme Court, to be discussed
in detail and further based her Orders on this unrelated matter. Judge Moss failed to follow the laws
and rules of the State and Federal Courts and her Judicial Code of Conduct.
22

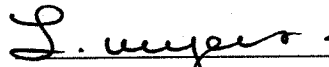
23 Therefore, under the circumstances presented within this matter, it would appear
24 inappropriate for the Family Court Judge Cheryl B. Moss to be the Judge assigned to this matter.
25 As a result, Defendant was forced to file a Motion for Stay/Motion to Set Aside/Vacate as per
26 NRCp 59(e), 60 AND 61 (reference Supreme Court Case No. 57621) in order to protect her
minor child, Sydney Rose Myers-Haskins (age 10mos.) and to avoid further prejudice of both

27 ///

1 matters. Defendant is considering the filing of a complaint with the Judicial Ethics Commission and
2 bar complaint against Judge Moss and will be filing a complaint with the State Bar against opposing
3 counsel Amanda Roberts as a result of her actions in this matter, as well.

4 In the event Defendant's Motion to Recuse is denied, Defendant reserves her right to
5 Appeal the decision, and has the right to make an offer of proof for her Appeal.

6 Dated this 28TH day of January, 2011.

7 

8 LISA MYERS

9 9360 West Flamingo Road, No. 110-326

10 Las Vegas, Nevada 89147

11 (702) 401.4440

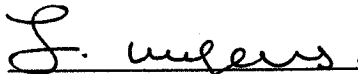
12 Defendant In Proper Person

13 **CERTIFICATE OF MAILING**

14 I hereby certify that on the 28TH day of January, 2011, I mailed a true and correct
15 copy of **MOTION TO RECUSE** via United States Mail, postage prepaid, to the following:

16 Amanda M. Roberts, Esq.
17 2011 Pinto Lane, Suite 100
18 Las Vegas, Nevada 89106
19 Attorney for Plaintiff

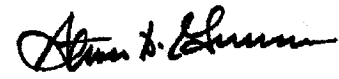
20 Clerk of the Court
21 Supreme Court of Nevada
22 201 South Carson Street
23 Carson City, Nevada 89701
24 (Courtesy Copy)

25 

26 Lisa Myers, Defendant In Proper Person

EXHIBIT "3"

NOE



CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

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

CASE NO: D-10-434495-D
DEPT. I

NOTICE OF ENTRY OF MINUTE ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take note that after a review of the court file, a Minute Order was prepared by the Court. A copy of the Minute Order is attached hereto. I hereby certify that I caused on the above file stamped date, a copy of the **Minute Order** to be:

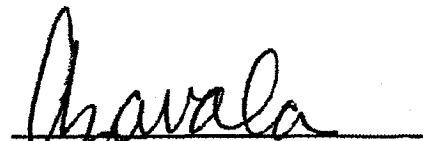
☒ Placed in the folder(s) located in the Clerk's Office of the following attorneys:

AMANDA M. ROBERTS, ESQ.
2011 Pinto LN STE 100
Las Vegas NV 89106
Attorney for Plaintiff

☒ Mailed postage prepaid, addressed to the following litigants in Proper Person:

LISA MYERS
Confidential
Defendant In Proper Person

DATED: This March 10, 2011.



Suzanna Zavala
Judicial Executive Assistant to the
Honorable Cheryl B. Moss

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 10, 2011

D-10-434495-D

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

March 10, 2011 3:15 PM Minute Order

HEARD BY: Moss, Cheryl B

COURTROOM: Courtroom 13

COURT CLERK:

PARTIES:

**Caleb Haskins, Plaintiff,
Counter Defendant, not
present**

Amanda Roberts, Attorney,
not present

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

Pro Se

JOURNAL ENTRIES

- MINUTE ORDER OF RECUSAL:

On March 9, 2011, the undersigned Judge received an email that was posted by Plaintiff's counsel intended to serve as a legal question to the family law bar and requesting feedback.

While Plaintiff's counsel may have inadvertently not realized that the undersigned Judge is on the List Serve (managed by the State Bar of Nevada) to receive emails and postings from the family bar, Plaintiff's counsel named Judge Moss in the email and discussed specific items that clearly identified the case to this Judge.

Consequently, this appears to be an ex parte communication pursuant to the Judicial Code of Conduct mandating disqualification pursuant to Rule 2.11(A), "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned[.]"

In addition, while the email posting could have been procedural in nature and not ex parte, the undersigned Judge still believes that she can no longer be impartial in this case.

Therefore, IT IS HEREBY ORDERED that the undersigned Judge recuses herself from Case Number D10- 434495-D, and this case shall be randomly reassigned.

IT IS FURTHER ORDERED that a copy of this Minute Order of Recusal shall be served on Plaintiff's counsel and Defendant In Proper Person.

SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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 "4"

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:

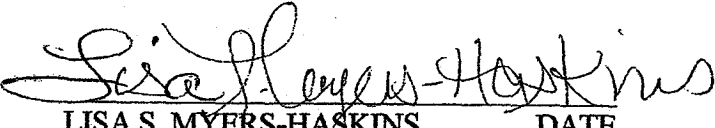
- Caleb and Lisa have agreed to a legal separation. Specifically, the parties separated (Caleb moved out of the home as of 7/3/2010) for the best interest of the family and so Caleb can go through counseling.

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 not be responsible for any child support.~~ 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
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

**Lisa Myers, Appellate/Petitioner
In Proper Person**