

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL DAVID STIPP,  
Appellant,  
vs.  
CHRISTINA CALDERON STIPP,  
Respondent.

No. 57876

**FILED**

**MAR 08 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER ALLOWING APPEAL TO PROCEED AND  
REINSTATING BRIEFING PURSUANT TO NRAP 3E

This is an appeal from an amended district court post-divorce decree order denying, among other things, appellant's motion for sole legal custody over healthcare matters affecting the parties' children.


When our review of the docketing statement and NRAP 3(g) documents revealed potential jurisdictional defects, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, the order originally appealed did not address control over healthcare decisions or any other type of child custody, and it did not otherwise appear substantively appealable. NRAP 3A(b). The parties timely responded to our show cause order. Subsequently, at appellant's request, this court remanded this matter for the limited purpose of allowing the district court to amend its order, which appellant asserted would potentially resolve the jurisdictional concerns identified in this court's earlier order by addressing his motion for sole legal custody over healthcare decisions and rendering the other issues identified in the notice of appeal moot. Thereafter, the district court transmitted to this court a certified copy of the district court's amended order.

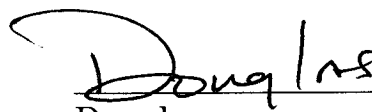
Having reviewed the parties' responses to our show cause order in light of the district court's amended order, we conclude that we have jurisdiction over the portion of the order denying appellant's motion

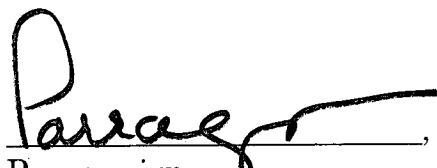
for sole legal decision-making authority over healthcare matters affecting the parties' children. As to the other issues identified in appellant's docketing statement, the district court amended its order in favor of appellant, rendering appellant's challenges to those portions of the order moot. Accordingly, we conclude that this appeal may proceed as to the legal custody decision. NRAP 3A(b)(7); NRAP 4(a)(6); Burton v. Burton, 99 Nev. 698, 669 P.2d 703 (1983) (explaining that an order resolving a motion to alter a divorce decree based on changed circumstances constitutes a special order after final judgment in the context of divorce proceedings).

We reinstate the deadlines for filing the fast track statement and response pursuant to NRAP 3E. Appellant shall have 40 days from the date of this order to file and serve a fast track statement and appendix. Thereafter, briefing shall proceed in compliance with NRAP 3E.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Radford J. Smith, Chtd.  
Mitchell D. Stipp  
Vaccarino Law Office

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<sup>1</sup>In light of this order, we deny respondent's request for sanctions.