

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

FILED

NOV 17 2011

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

PETITION FOR EN BANC RECONSIDERATION

12 COMES NOW LISA MYERS, Appellant In Proper Person, and Petitions this Court for
13 En Banc Reconsideration in the above-referenced matter. Appellant/Petitioner's Petition for
14 Rehearing was denied via written Order filed October 27, 2011, See Court's file. This Petition
15 follows, and is the Appellant/Petitioner's request for En Banc Reconsideration of the Petition for
16 Rehearing of Appeal, et al. as an injustice has occurred against her and her minor child, SYDNEY
17 ROSE MYERS-HASKINS.

17 L. Myers
18 LISA MYERS
19 9360 West Flamingo Road, Suite 110-326
20 Las Vegas, Nevada 89147
21 Telephone: (702) 401.4440
22 Appellant/Petitioner, in proper person

1. STANDARD OF REVIEW

RULE 40A. PETITION FOR EN BANC RECONSIDERATION

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

28 ///

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NOV 16 2011
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11-35430 ✓
11-35431

1 **2. ISSUES**

2 **A. APPELLANT/PETITIONER'S PETITION FOR REHEARING OF APPEAL**
3 **(58306), PETITION OF WRITS, MOTION FOR INJUNCTION AND MOTION**
4 **FOR STAY WAS DENIED/DISMISSED**

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

10 Therefore, Appellant/Petitioner is now filing this Petition for En Banc Reconsideration
11 requesting this Court to reconsider its Order denying and dismissing Appeal, Petition for Writs,
12 and Motion for Injunction a Motion for Stay, et. al. in the above-referenced matters.

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

14 NRS 125C.010 Order awarding visitation rights must define rights with particularity and
15 specify habitual residence of child. 1. Any order awarding a party a right of visitation of a
16 minor child must: (a) Define that right with sufficient particularity to ensure that the rights
17 of the parties can be properly enforced and **that the best interest of the child is**
18 **achieved...** [Emphasis added].

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

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

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

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

RULE 61. HARMLESS ERROR

No error in either the admission or the exclusion of evidence and no error or defect in any
ruling or order or in anything done or omitted by the court or by any of the parties is

1 ground for granting a new trial or for setting aside a verdict or for vacating, modifying or
2 otherwise disturbing a judgment or order, unless refusal to take such action appears to the
3 court inconsistent with substantial justice. The court at every stage of the proceeding must
4 disregard any error or defect in the proceeding which does not affect the substantial rights
of the parties.

5 EDCR RULE 2.20. Motions; contents; responses and replies; calendaring a fully briefed
6 matter.

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

12 (c) Within 10 days after the service of the motion, and 5 days after service of any joinder
13 to the motion, the opposing party must serve and file written notice of nonopposition or
14 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...

15 NRCP RULE 6. TIME

16 (d) For Motions—Affidavits. A written motion, other than one which may be heard ex
17 parte, and notice of the hearing thereof shall be served not later than 5 days before the time
18 specified for the hearing, unless a different period is fixed by these rules or by rule or order
19 of the court. Such an order may, for cause shown, be made on ex parte application. When
a motion or opposition is supported by affidavit, the affidavit shall be served with the
motion or opposition.

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

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

25 The counsel obtaining any order, judgment or decree must furnish the form of the same to
26 the clerk or judge in charge of the court within 10 days after counsel is notified of the
27 ruling, unless additional time is allowed by the court.
28

1 NRAP RULE 8. STAY OR INJUNCTION PENDING APPEAL OR RESOLUTION
2 OF ORIGINAL WRIT PROCEEDINGS

3 (d) Stays in Civil Cases Involving Child Custody. In deciding whether to issue a stay in
4 matters involving child custody, the Supreme Court will consider the following factors: (1)
5 whether the child(ren) will suffer hardship or harm if the stay is either granted or denied;
6 (2) whether the nonmoving party will suffer hardship or harm if the stay is granted; (3)
7 whether movant is likely to prevail on the merits in the appeal; and (4) whether a
8 determination of other existing equitable considerations, if any, is warranted.

9
10 Fourteenth Amendment of the United States Constitution, CAPTA, Violence
11 Against Women Act, 18 U.S.C., 42 U.S.C., et. al.

12
13 Harrison, 780 F. 2d at 1428, whereby the following was held by Federal Circuit Courts,
14 "that state officials may not take retaliatory action against an individual designed...to punish him for
15 having exercised his constitutional right to seek judicial relief..." (citing cases from the Eleventh,
16 Seventh, Fifth, Third, and Tenth Circuits) 804 F. 2d 953.

17
18 *Doolittle v. Doolittle*, 70 Nev. 163, 262 P.2d 955 (1953) relying upon *Gammill v.*
19 *Federal Land Bank*, 129 F.2d 502, and *Haley v. Eureka County Bank* 22 P. 1098 (Nev.
20 1889). *Stone v Powell*, 428 US 465, 483 n. 35, 96 Sct. 3037, 49 L. Ed. 2d 1067 (1976),
21 whereby the following was noted, "State courts, like federal courts, have a constitutional obligation
22 to safeguard personal liberties and to uphold federal law." Also, see 28 USCS Sec. 455, and
23 *Marshall v Jerrico Inc.*, 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980), "The
24 neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis
25 of an erroneous or distorted conception of the facts or the law."

26
27 Appellate is appearing in proper person, See Haines v. Kerner, 404 U.S. 519 (1972), Hall
28 v. Bellmon, 935 F. 2d 1106 (10th Cir.) (1991), F.R.C.P. 8 and applicable SCR's. Also, please
find attached herewith, the file-stamped Order To Proceed In Forma Pauperis, Exhibit "1".

29
30 **4. SUMMARIZATION OF SERIOUSNESS OF THE ISSUES AND SAFETY AND**
31 **HEALTH OF THE SUBJECT MINOR**

32
33 Not only is the Order from the January 19th hearing be deemed void, appeal to be granted,
34 but the Petition for Writs, Petition for Rehearing of Motion for Stay, but the Motion for an
35 Injunction to be granted, as well. The main issue being appealed is Judge Moss' Order from the
36 1/19/2011 hearing, whereby Respondent was awarded three full unsupervised days with the parties
37 minor child, Sydney Rose Myers-Haskins (now age 19mos.) despite the evidence of his parental
38 neglect/abuse, mental and physical impairments, conviction, extensive history of drug and alcohol
abuse, anger problems, domestic abuse issues and his abandonment of the minor child who has a

1 history of RSV and now of being hospitalized with seizures on life-support. The subject minor has
2 had URI, Gastrointestinal Virus, Vomiting, Diarrhea, Strep (Nasal - rare), Seizures, Fever, been
3 on life-support, oxygen, testing, CAT scan, Lumbar Puncture, EEG, continuous weight loss, sleep
4 deprivation, bruising, reaction to smoke inhalation, etc., since Respondent began having contact
5 with the subject minor as of January 19, 2011. *See* Court file, medical note from Dr. Leroy
6 Bernstein and medical record of Summerlin Hospital (additional medical records will be
7 supplemented to this pleading), whereby he noted that the subject minor is to remain in the custody
8 of Appellant/Petitioner (mother) due to an illness contracted while under the care and custody of
9 Respondent she had to treat and be medicated for. **If the unsupervised contact with
Respondent continues, the subject minor will continue to be ill in his care and custody due
to his parental neglect and abuse. The subject minor, Sydney Rose was on life-support
and was hospitalized, how much more must she endure to this "void" and prejudicial Order
of Judge Moss before this Honorable Supreme Court interferes and supercedes this
Order?**

10
11 **Moreover, Respondent previously signed a Joint Agreement giving**
12 **Appellant/Petitioner Sole Physical and Sole Legal Custody of the parties minor child**
13 **waiving any visitation, See Court's file.** Respondent also waived any visitation and refused a
14 drug test at the prior TPO hearing, as well. Judge Moss refused to acknowledge this legal
contractual agreement between the parties to no avail, *See* Court's file for legal agreement signed
by Respondent.

15 As a result of Judge Moss' acceptance of opposing counsel's Motion and her decisions
16 and orders rendered as a result, the Court Ordered this Appellant/Petitioner to the names of two
17 psychologists in which the Court will Order Appellant/Petitioner to undergo a mental/medical/
18 psychological evaluation based on a completely unrelated matter which is on Appeal and
19 specifically a 2003 report by an unqualified individual (per the State Psychological Board) and
20 despite the acceptance of expert testimony and reports rebutting same by numerous Psychiatrists,
21 Psychologist and therapist. The Court not only forced Appellant/Petitioner to discuss in detail this
22 completely unrelated matter which is on Appeal, but placed her in the position of defending herself
23 in this matter. As a further result and despite the Behavioral Order, Respondent has slandered
24 Appellant/Petitioner by calling her a psychopath, crazy, sicko and has continued to slander her at
25 the downtown police station, at medical facilities, at the Court, to others, to her personally and her
26 family, etc. in attempt to harass, threaten, defame her character and redirect the severity of his own
personal mental and physical impairments, to include drug abuse, psychiatric treatments, refusal to
take his bipolar medication, etc. (as per documentation and his own testimony as previously
provided) he has away from him and onto Appellant/Petitioner. Respondent even threatened
Appellant/Petitioner, the subject minor and Appellant/Petitioner's mother while the subject minor
was recently hospitalized (reports from the hospital security and police department are forthcoming
and will be supplemented to this pleading).

27 Appellant/Petitioner is extremely concerned for the minor child's health, safety and overall
28 well-being, her Pediatrician is as well, as the District Court's Order would continue to put the minor

1 child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her,
2 especially when she became ill in his "care" and "custody" and he failed to notify
3 Appellant/Petitioner of anything whatsoever, to include his blatant refusal to answer any questions
4 regarding the minor child.

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

6 The parties' hearing of January 19, 2011 was to be a 16.2 Case Management Conference,
7 although opposing counsel, Amanda Roberts filed a Motion for primary physical and sole legal
8 custody and for a medical/mental/psychological evaluation of this Appellant/Petitioner at the last
9 minute **providing Appellant/Petitioner a copy 5 minutes prior to this 16.2 Conference,**
10 despite NRC 6(d)(e). No OST was ever signed and filed or provided to Appellant/Petitioner,
11 nor did Ms. Roberts ever provide Appellant/Petitioner the Motion at least 5 full Judicial days prior
12 to the scheduled hearing. Appellant/Petitioner was further never given 10 days in order to properly
13 file an Opposition/Counter-motion, as per EDCR 2.20. Moreover, since opposing counsel stated
14 she also mailed a copy of the Motion to Appellant/Petitioner the same day of this hearing,
15 Appellant/Petitioner did not receive opposing counsel's Motion until after the hearing¹ Therefore,
16 Appellant/Petitioner was prejudiced in this matter as Appellant/Petitioner was not properly
17 prepared to defend or provide all necessary documentation to justify her defenses or claims.

18 Despite these issues, Judge Moss still allowed the Motion to be heard, specifically awarded
19 the Respondent three full unsupervised days with the parties minor child, specifically giving the
20 parties' Joint Physical and Legal Custody, despite the fact this Appellant/Petitioner has been the
21 de facto Sole Physical and Sole Legal Custodian of the minor child, despite the evidence of his
22 mental and physical impairments, conviction, extensive history of drug and alcohol abuse, anger
23 problems, violence (to include Respondent punching a hole in the wall of the parties' home),
24 domestic abuse issues (to include Respondent shoving Appellant/Petitioner's other minor child
25 down the stairs), Respondent's own admissions in Court and his parents own admissions and his
26 abandonment of the minor child who has a history of RSV and now of being hospitalized with
27 seizures and on life-support. See Court file for Exhibits, to include Court's Minutes². Judge Moss
28 further refused to acknowledge that Respondent previously signed a Joint Agreement giving

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

26 ² Opposing counsel, Amanda Roberts was Ordered to prepare the 1/19/11 Order and submit it to
27 Appellant/Petitioner for review and signature. Ms. Roberts, however, failed to prepare and submit the
28 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 Appellant/Petitioner Sole Physical and Sole Legal Custody of the parties minor child waiving any
2 visitation. Respondent also waived any visitation and refused a drug test at the parties' initial TPO
3 hearing, as well.

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

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

Appellant/Petitioner then attempted to file an Emergency Motion to Proceed in Forma
Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court
Clerk's office declined to file these documents and referred Appellant/Petitioner to file all with the
Nevada Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was
determined that these documents were infact to be filed with the District Court Clerk's office. The
District Court Clerk still declined to file such documents for Appellant/Petitioner. Therefore,
Appellant/Petitioner attempted to e-file all to ensure no further prejudice, although the Court would
not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both.

1 Appellant/Petitioner then contacted the Court and spoke with the Law Clerk for the Presiding
2 Judge in attempt at a resolution to the above circumstances, who then in turn spoke with the
3 assigned Department I and the Supreme Court and later informed he passed the Peremptory
4 Challenge, and associating documents on to the assigned Department I, (the very same
5 Department in which was being challenged, thereby notifying the Department of said intent. The
6 documents still had yet to be filed by the Court at this point, despite the fact this was a time
7 sensitive situation. Further, Judge Moss - Department I said she would pass the Peremptory
8 Challenge back to the Presiding Judge for decision, although Judge Moss issued an Order the very
9 next day stating she herself made the decision to deny Appellant/Petitioner's Peremptory
10 Challenge. While her Department issued a Minute Order, they refused to draft a formal Order and
11 NEOJ of same.

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

23 **Why should this Appellant/Petitioner and most importantly the subject minor, a now
24 19month old baby suffer the consequences of such? Who will be liable if the subject minor
25 becomes ill again or something worse while in Respondent's care and custody? How does
26 the Court or this Appellant/Petitioner reverse the damage that has been caused to the
27 subject minor by Respondent? What if the subject minor was not able to breath on her
28 own and taken off life-support while she was recently hospitalized, what if her little body
gave up as a result of the damage caused by Respondent? Why isn't the Courts
protecting this child or Appellant/Petitioner's rights as a concerned, caring mother?
Should this Appellant/Petitioner file a Federal Complaint, keep sending the child back with
Respondent? When is this situation rectified for the safety of the minor child and
Appellant/Petitioner (her mother)?** The subject minor is not fully recovered, is still recuperating
on medication with close monitoring with exceptional care and nourishment from the
Appellant/Petitioner, Her weight has increased while in Appellant/Petitioner's care and custody and
even while she has returned home from being hospitalized.

26 Although and despite the fact this case is on Appeal, opposing counsel, Ms. Roberts
27 decided to file a Motion to be heard on OST before the District Court Judge, now Judge
28 Duckworth, in which the Judge dissolved the TPO (which was deferred by hearing master Lynn
Conant at the June 13th Motion to Extend TPO to the June 15th hearing before Judge Duckworth)

1 against the Adverse Party/Respondent, failed to an evidentiary hearing on same and rendered new
2 Orders and Findings in the D-case matter and in favor of the Respondent and his counsel. Further,
3 Judge Duckworth stated he will give the Respondent Sole Physical and Sole Legal Custody of the
4 minor child if Appellant/Petitioner did not follow the prior Order of Judge Moss and give the
5 Respondent his 3 unsupervised days of time with the subject minor. Again, despite the evidence
6 of his mental/physical impairments, history of drug abuse, violence and child abuse/neglect upon
7 the subject minor.

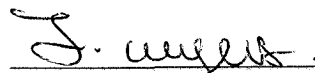
6 **6. CONCLUSION**

7
8 In conclusion, Appellant/Petitioner again pleads with Honorable Court that she will prevail
9 as the facts, laws, rules and the safety and severity of the subject minor's medical issues justify
10 same. Appellant believes this Honorable Supreme Court will act in the best interest and rights of
11 the minor child, rights of the Appellant, in accordance with the laws and so as to avoid any further
12 prejudice and bias against Appellant in these matters.

11 Since I am challenging the District Court - Family Division's Orders, Appellant/Petitioner
12 will again be highly prejudiced in both this on-going and her Supreme Court matter as referenced
13 herein. It would thereby allow the District Court - Family Division to proceed with its current
14 Orders, to include allowing them to discuss and utilize all documents and information from
15 Appellant/Petitioner's separate unrelated Supreme Court matter, forcing Appellant/Petitioner to
16 be subjected to yet another psychological Evaluation despite the favorable reports and prior
17 testimony of highly qualified psychiatrists/psychologists stating she has no mental health issues
18 whatsoever, in which this Court and opposing counsel is refusing to acknowledge.

17 Additionally, Appellant reserves her right to supplement additional information for this
18 Appeal, Petition for Writs, Motion for Injunctions and Petition for Rehearing of the Motion for Stay
19 should it become available or necessary. Appellant will also be supplementing additional medical
20 records and documentation pertaining to the subject minor and Respondent's continued parental
21 neglect and abuse upon her.

21 DATED this 11th day of November, 2011.

22
23 

24 LISA MYERS

25 9360 West Flamingo Road, No. 110-326

26 Las Vegas, Nevada 89147

27 **Appellant/Petitioner, in proper person**
28

EXHIBIT "1"

ORIGINAL

1 **ORDR**
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
Caleb O. Haskins
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:
19

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.
23

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
27

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

5


6 **IT IS FURTHER ORDERED** that if LISA MYERS prevails in this action, the Court
7 shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court,
8 within five (5) days, the costs which would have been incurred by the prevailing party, and
9 those costs must then be paid as provided by law.

10

11 Dated this 10 day of January, 2011.

12


13


DISTRICT COURT JUDGE

14

Respectfully Submitted By:

15



16

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

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Defendant In Proper Person

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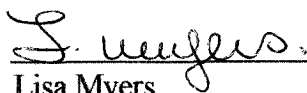
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CERTIFICATE OF MAILING

I hereby certify that on the 11th day of November, 2011, I mailed a true and correct copy of the **PETITION FOR EN BANC RECONSIDERATION** 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



Lisa Myers
Appellant/Petitioner, in proper person