

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jan 26 2012 04:27 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

LISA MYERS,

Appellant,

vs.

CALEB HASKINS,

Respondent,

Supreme Court No. ~~58306~~

MOTION FOR TEMPORARY REMAND OF APPEAL

The Respondent respectfully moves this Court for an Order of Remand to the Family Division of the Eighth Judicial District Court pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), for the purpose of allowing the District Court's Order from June 15, 2011, to be enforced. A copy of the *Huneycutt* Certification is attached hereto as **Exhibit "A"** and is fully incorporated herein by reference.

DATED this 26th day of January, 2012.

Respectfully submitted,

By : Amanda M. Roberts

Amanda M. Roberts, Esq.
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Attorneys for Respondent

POINTS AND AUTHORITIES

The Parties to this action are Lisa Myers (“Lisa”) and Caleb Haskins (“Caleb”). The Parties were married on the 21st day of September, 2009, in Las Vegas, Nevada. There is one (1) minor child who was conceived prior to the Parties’ marriage and born shortly after the marriage, to wit: Sydney Rose Haskins, born the 30th day of March, 2010 (almost 2 years old).

On August 20, 2010, Caleb filed a Complaint for Divorce. Since the filing of the Complaint for Divorce, each time the District Court issues an Order, Lisa files a Notice of Appeal to delay the divorce proceedings. As a result, nothing can be accomplished in the District Court case and the Parties remain married.

On February 4, 2011, Lisa filed her first filing with the Nevada Supreme Court. Since this filing, Lisa has filed over twenty-five (25) additional documents with the Nevada Supreme Court in five (5) separate cases. Lisa is using the filings with the Nevada Supreme Court to avoid allowing the Family Court to properly address her mental disorders and safety concerns pertaining to her care and custody of the minor child at issue in this matter.

On June 15, 2011, the Parties were in Court on Caleb’s Motion pursuant to *Huneycutt* and the Court stated the relief that it was inclined to award if the matter was remanded from the Nevada Supreme Court to the District Court would be as follows:

1. For the Defendant to undergo an Independent Medical Examination based upon the allegations which have been raised in the pleadings. The evaluator shall be selected from the Court’s provider list and the Defendant shall cooperate with the evaluator in attending appointments and participating in the process. The Defendant shall receive notice of the appointments fifteen (15) days in advance with notice being mailed to Defendant at 10779 Silver Lace Lane, Las Vegas, Nevada, 89135.
2. To allow the Parties to pursue discovery as it relates to medical records of the minor child.

3. To make significant changes to Judge Moss' joint physical custody schedule if there is a violation of Judge Moss' prior Orders. Unless CPS, in writing, indicates that an exchange is not supposed to occur the Court expects both Parties to comply with Judge Moss' Ordered custodial arrangement.
4. To grant the Plaintiff's request for make-up visitation for the visitation missed pre-TPO.
5. To make a modification to sole legal custody if either Party interferes with the other parent's joint legal custody rights.
6. To issue an Order for CPS to produce any and all records regarding any service and/or investigations provided by CPS related to either Party or child of either Party. The records, if they exist, would be provided for each Party to review *in camera*.

The Respondent has followed all applicable laws with respect to getting this case, and the issues presented, back before the District Court. The remand procedure this Court has outlined is set forth more specifically in *Foster v. Dingwall*, 126 Nev. Adv. Op. No. 5, 228 P.3d 453 (2010), citing *Mack-Manley v. Manley*, 122 Nev. 849, 138 P. 3d 525 (2006), referencing *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), which states that "this court adopted a procedure whereby, if a party to an appeal believes a basis exists to alter, vacate, or otherwise modify or change an order or judgment challenged on appeal after an appeal from that order or judgment has been perfected in this court, the party can seek to have the district court certify its intent to grant the requested relief, and thereafter he party may move this court to remand the matter to the district court for the entry of an order granting the requested relief."

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This procedure was done and has been placed in a Certification as outlined in this Motion. The Respondent then filed his *Huneycutt* Certification with this Court and is now filing this Motion to remand the proceedings back to the jurisdiction of the District Court.

DATED this 20th day of January, 2012.

Respectfully submitted,

By: Amanda M. Roberts

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Attorneys for Respondent

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 26th day of January, 2012, I served by placing a true and correct copy of the Motion to Remand, in the United States Mail at Las Vegas, Nevada, with postage prepaid, and addressed as follows:

Lisa Myers-Haskins
10779 Silver Lace Lane
Las Vegas, Nevada 89135

Caleb Haskins
4033 Gaster Ave.
N. Las Vegas, Nevada 89081

Lisa Myers-Haskins
9360 W. Flamingo Rd. No. 110-326
Las Vegas, Nevada 89147

By: HR
An Employee of Roberts Stoffel Family Law Group

Exhibit “A”


CLERK OF THE COURT

1 CER
Amanda M. Roberts, Esq.
2 State of Nevada Bar No. 9294
3 **ROBERTS STOFFEL FAMILY LAW GROUP**
2011 Pinto Lane, Suite 100
4 Las Vegas, Nevada 89106
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5 FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
6 Attorney for the Plaintiff, Caleb Haskins

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

| | | | |
|----|----------------|---|---|
| 9 | CALEB HASKINS, |) | Case No: D-10-434495-D |
| 10 | |) | Dept No: Q |
| | Plaintiff, |) | |
| 11 | |) | Nevada Supreme Court: 57621/57825/58306 |
| | v. |) | |
| 12 | |) | HUNEYCUTT CERTIFICATION TO |
| 13 | LISA MYERS, |) | NEVADA SUPREME COURT |
| | |) | |
| 14 | Defendant. |) | Date of Hearing: June 15, 2011 |
| | |) | Time of Hearing: 11:00 a.m. |

15 THE DISTRICT COURT is inclined to grant the following relief requested by the
16 Plaintiff, Caleb Haskins, if the Nevada Supreme Court remands the matters back to the District
17 Court for further proceedings:

18 1. The Court is hereby inclined to grant some of the relief requested by the Plaintiff,
19 Caleb Haskins, pursuant to the *Huneycutt* Motion, if and/or when the matter is remanded back to
20 the District Court from the Nevada Supreme Court.

21 2. The Court is hereby inclined to grant some the Plaintiff's request for the Defendant
22 to undergo an Independent Medical Examination based upon the allegations which have been
23 raised in the pleadings. The evaluator shall be selected from the Court's provider list and the
24 Defendant shall cooperate with the evaluator in attending appointments and participating in the
25 process. The Defendant shall receive notice of the appointments fifteen (15) days in advance
26 with notice being mailed to 10779 Silver Lace Lane, Las Vegas, Nevada, 89135.

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FAMILY COURT
DEPARTMENT Q

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3. The Court is hereby inclined to allow the Parties to pursue discovery as it relates to medical records of the minor child.

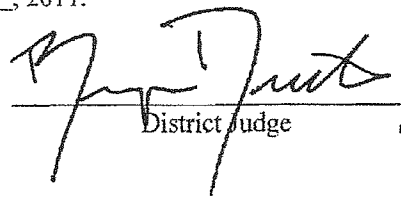
4. The Court is hereby inclined to make significant changes to Judge Moss' joint physical custody schedule if there is a violation of Judge Moss' prior Orders.

5. The Court is hereby inclined to grant the Plaintiff make-up visitation for the visitation.

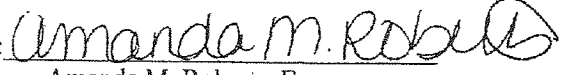
6. The Court is hereby inclined to make a modification to sole legal custody if either Party interferes with the other parent's joint legal custody rights.

7. The Court is hereby inclined to issue an Order for CPS to produce any and all records regarding any service and/or investigations provided by CPS related to either Party or child of either Party. The records, if they exist, would be provided for each Party to review *in camera*.

DATED this _____ day of NOV 10 2011, 2011.


District Judge *ml*

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