

**LISA MYERS,**

Appellate,

**VS.**

CALEB O. HASKINS,

**Respondent.**

Supreme Court Case No. 58581

District Court Case No. 00-D-434495

**FILED**

OCT 18 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

**PETITION TO RECALL THE REMITTITUR AND**  
**PETITION FOR REHEARING**

**COMES NOW LISA MYERS, Appellant/Petitioner In Proper Person, and Petitions this Court for Recall of the Remittitur and Petition for Rehearing of her Appeal in the above-referenced matter.**

LISA MYERS

9360 West Flamingo Road, Suite 110-326.

Las Vegas, Nevada 89147

**Appellant/Petitioner, in proper person**

## 1. STANDARD OF REVIEW

## NRAP RULE 41. ISSUANCE OF REMITTITUR

**(a) When Issued; Contents.**

**(1) When Issued.**

## NRAP RULE 40. PETITION FOR REHEARING

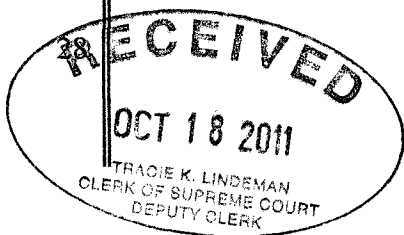
(a) Procedure and Limitations.

(1) Time.

(2) The court may consider rehearings in the following circumstances...

## 2. ISSUES

**A. THIS APPELLANT/PETITIONER'S APPEAL WAS DENIED SPECIFICALLY  
STATING THE SUPREME COURT LACKS JURISDICTION WHEN IN FACT**



11-32170

1                   **THE DISTRICT COURT LACKED THE JURISDICTION TO EVEN HEAR THIS**  
2                   **MATTER AND OPPOSING COUNSEL'S MOTION ON OST**

3                   Despite the fact the District Court matter is on Appeal, opposing counsel, Amanda Roberts  
4 re-submitted her Motion for Sole Legal, Primary Physical, Evaluation of this Appellant/Petitioner,  
5 etcetera for the second time in this matter, attempting to take advantage of and ultimately defraud  
6 the newly appointed Family Court Judge, Duckworth. This Motion was previously decided upon by  
7 January 19<sup>th</sup> before Judge Moss, who advised Ms. Roberts the District Court no longer had  
8 jurisdiction of this matter, and as such, this matter could not be heard in the District Court, as it was  
9 on Appeal. Judge Moss is no longer assigned to this matter as she recused herself due to engaging  
10 in ex-parte communication with opposing counsel, Amanda Roberts, of which Ms. Roberts was the  
11 instigator of same on more than one occasion.

12                   Opposing counsel "served" a copy of her Opposition and Countermotion upon Applicant's  
13 father the prior Thursday evening to apparently forward on to Appellant/Petitioner at  
14 Appellant/Petitioner's father's property. There has never been any notation, discussion, etcetera of  
15 Appellant/Petitioner's father's address in which he was given these documents by opposing counsel's  
16 process server, nor has there ever been confirmation that Appellant/Petitioner resides at this  
17 property. Further, Appellant/Petitioner's residential address is confidential with the Court and  
18 Appellant/Petitioner never received these documents in the mail prior. Additionally, the content within  
19 opposing counsel's pleadings lack the jurisdiction to bring about matters which are currently under  
20 the jurisdiction of the Supreme Court of Nevada and in which are specifically on Appeal. Therefore,  
21 opposing counsel and Adverse Party are attempting to fraud the Court, have committed perjury and  
22 are attempting to prejudice and manipulate this matter so they may prevail. As such, the Opposition  
23 and Countermotion must be stricken and dismissed due to untimeliness, defective service, lack of  
24 jurisdiction, fraud, etcetera. *See* NRCP Rule 4, Service of Process and NRCP Rule 6(d), Time.

25                   Ms. Roberts attempted to put forth this Motion for change of custody, etcetera under the  
26 Huneycutt case, unfortunately as told to her previously, Huneycutt does not apply in this matter. This  
27 Motion was originally calendared for June 28<sup>th</sup>, however, opposing counsel requested an OST and  
28 Judge Duckworth apparently granted same and it is now on calendar for Wednesday, June 15<sup>th</sup> at  
11:00 a.m. In speaking with the JEA for Department Q this afternoon after receiving their  
correspondence, which noted a report from Donna's House was available for review prior to  
the "return" hearing of June 15<sup>th</sup>, it was confirmed this "return" hearing was actually opposing  
counsel's Motion hearing on OST. The JEA further confirmed this hearing is going forth as scheduled  
despite the fact an Appeal was filed. Moreover, this matter has yet to have a 16.2 before Judge  
Duckworth, to begin Discovery (despite the fact Ms. Robert has been unlawfully engaging in  
discovery against me throughout this process), temporary Orders, etc as this matter has been and is  
still currently on Appeal due to the actions and Orders of Judge Moss.

Further, in receiving an actual copy of the OST the weekend prior to the June 15<sup>th</sup> OST  
Motion hearing from my father, it was noted that a process server on behalf of Amanda Roberts,

1 opposing counsel, came to his property stating he was "Ordered to serve legal documents to Brent  
2 and Sharon Myers", of which they were involved in a lawsuit, with a note stating to serve Brent and  
3 Sharon Myers. The process server never asked for, nor mentioned this Appellant/Petitioner's name  
4 whatsoever. In looking at the OST in the D-case, which was signed by Judge Duckworth, it  
5 specifically Ordered the following, "...that Defendant Lisa Myers, shall be personally served at the  
6 residence of her parents, Brent and Sharon Myers, located at 9999 W. Katie Avenue, Las Vegas,  
7 Nevada 89147, which is the address where the Defendant was served at the commencement of this  
8 action." First, Appellant/Petitioner was never served at this location at any time and that was argued  
9 by my prior attorney when this matter first began when Ms. Roberts had filed the Complaint after  
10 her client was served with the TPO. Second, Appellant/Petitioner's parents do not reside at that  
11 address and the process server actually came to another address in search of my father to serve him  
12 directly and not me at all. Third, why isn't NRCP Rule 4 being adhered to? Finally, why are  
13 Appellant/Petitioner's parents being served on my behalf and expected to act as liaisons or "servers"  
14 themselves in getting an OST passed along to me? Apparently, there is an underlying assumption that  
15 it is now Appellant/Petitioner's parents' responsibility to make certain I am notified of the OST  
16 hearing. It is the burden of the opposing counsel/opposing party to serve their documents to the party  
17 of the case, as such they would've had ample opportunity in which to serve me with a copy of the  
18 OST at the TPO hearing scheduled just two days prior to said hearing (Monday, June 13<sup>th</sup>).  
19 Furthermore, along with the OST in the D-case matter, an Opposition/Countertermotion in the TPO  
20 matter was attached therewith for the hearing to extend the TPO, as well. While the  
21 Opposition/Countertermotion is untimely under the rules and the service of both the OST and Opposition  
22 are ultimately defective, it is more than likely the Court will again accept opposing counsel's habitual  
23 untimely filings, untimely and defective service of documents to me and will render a decision, while  
24 it be prejudicial and unlawful, in consideration of same.

16 Additionally, at our most recent TPO hearing June 13<sup>th</sup>, as opposing counsel, Amanda  
17 Roberts once again engaged in ex-parte communication by contacting the department, not for a  
18 scheduling issue, but to specifically request the TPO matter be completely deferred to the D-case,  
19 in which she had a Motion hearing on calendar for June 15<sup>th</sup> on OST (of which I was again never  
20 properly served with the OST in the D-case or the Opposition/Countertermotion in the T-case and  
21 therefore, I was not given the appropriate time in which to prepare and file a response to either the  
22 Motion, nor the Opposition/Countertermotion under the rules) knowing the D-case matter is still  
23 currently on Appeal and under the jurisdiction of the Supreme Court of Nevada. At this June 15<sup>th</sup>  
24 Motion hearing on for OST, Judge Duckworth rendered decisions, made Orders and basically refused  
25 to allow me to argue my matter, to include the TPO case. While he stated on record that he knew  
26 he didn't have jurisdiction to hear this matter as it is on Appeal, he said he would send  
27 correspondence to the Supreme Court proffering his opinions and requesting this Honorable Supreme  
28 Court to remand jurisdiction back to his court so he may set for an evidentiary hearing and make a  
decision in the matter, ultimately prejudicing both the Supreme Court and District Court matters.

25 Moreover, I am concerned with regard to the actions of and decisions made by the previously  
26 assigned Family Court Judge Moss in this matter and specifically her Orders which were rendered  
27 despite the fact she was engaging in ex-parte communication with opposing counsel, Amanda  
28 Roberts, their personal friendship, and the fact Respondent signed a legal contractual agreement

1 giving me Sole Physical/Sole Legal Custody waiving all visitation, etc of the subject minor and his  
2 mental/physical impairments, violence issues, conviction and abandonment of the child, of which  
3 Judge Moss refused to acknowledge whatsoever, and of which Judge Duckworth is now refusing  
4 to acknowledge and hear. Yet, Judge Duckworth, after knowing this matter in its entirety is and has  
5 been on Appeal (Judge Moss' Orders, which are also deemed "void" under the law), and specifically  
6 a Notice of Appeal having been filed on the OST for the June 15<sup>th</sup> hearing and despite the fact he  
7 admitted he had no jurisdiction over this matter, still went forth with the June 15<sup>th</sup> Motion hearing on  
8 OST, rendered new Orders and decisions and stated he will be forwarded correspondence, which  
9 would be prepared by opposing counsel to the Supreme Court, ultimately interfering with  
10 Appellant/Petitioner's right of due process and prejudicing this matter and the Appellate matters.  
11 Opposing counsel, Ms. Roberts even requested Judge Duckworth's assistance in completing the  
12 correspondence to the Supreme Court, in which the Judge began to advise her as to the content.  
13 Appellant/Petitioner's understanding as to the Judge's role in this matter, is that he is to remain  
14 impartial, to refrain from engaging in any type of ex-parte communication and to refrain from acting  
15 out of its jurisdiction, as per the Judicial Code of Ethics.

16 This Appellant/Petitioner is again forced to file this Appeal on the NEOJ of OST of  
17 Respondent's Motion. The Motion should've never been heard before the lower court, as this matter  
18 in its entirety is currently and has been on Appeal with the Supreme Court, let alone a lower court  
19 Judge approving of an Order Shortening Time. It is discerning to this Appellant/Petitioner as the  
20 lower court approved Appellant/Petitioner and on behalf of the subject minor, SYDNEY ROSE  
21 MYERS-HASKINS' TPO against the Respondent due to his actions and behavior (his abuse and  
22 neglect of the subject minor), which ultimately rendered the subject minor to be taken by ambulance  
23 to Summerlin Hospital, be subjected to treatment in the Pediatric Emergency Room, placed on life-  
24 support, and admitted into the Pediatric Intensive Care Unit from May 4<sup>th</sup> through May 7<sup>th</sup>. The  
25 subject minor now has a history of RSV and now of being hospitalized with seizures on life-support,  
26 URI, Gastrointestinal Virus, Vomiting, Diarrhea, Strep (Nasal - rare), Fever, been on oxygen, testing,  
27 CAT scan, Lumbar Puncture, EEG, continuous weight loss, sleep deprivation, bruising, reaction to  
28 smoke inhalation, etc. as a result of the abuse and neglect by Respondent and the decisions of the  
lower court and specifically Judge Moss and now Judge Duckworth.

29 Respondent began having contact with the subject minor as of January 19, 2011. See Court  
30 file, medical note from Dr. Leroy Bernstein and medical record of Summerlin Hospital (additional  
31 medical records will be supplemented to this pleading), whereby he noted that the subject minor is  
32 to remain in the custody of Appellant/Petitioner (mother) due to an illness contracted while under the  
33 care and custody of Respondent she had to treat and be medicated for. If the unsupervised contact  
34 with Respondent continues, the subject minor will continue to be ill in his care and custody due to his  
35 parental neglect and abuse. The subject minor, Sydney Rose was on life-support and was  
36 hospitalized, how much more must she endure to this "void" and prejudicial Order(s) of Judge Moss  
37 and the actions, decisions and Orders of Judge Duckworth before this Honorable Supreme Court  
38 interferes and supercedes these Orders and intervenes to stop this injustice against a mother and her  
child and the unlawful, unethical behaviors and actions of the Court and its officers, to include that  
of opposing counsel?

Moreover, Respondent previously signed a Joint Agreement giving Appellant/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. 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. Further, Respondent suffers 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) and even threatened Appellant/Petitioner, the subject minor and Appellant/Petitioner's mother while the subject minor was recently hospitalized (hospital security and police reports are to be supplemented to the other matters filed with the Supreme Court).

Appellant/Petitioner is extremely concerned for the minor child's health, safety and overall well-being, her Pediatrician is as well, as the District Court's Order would continue to put the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with her, especially when she became ill in his care and custody and he failed to notify Appellant/Petitioner of anything whatsoever, to include his blatant refusal to answer any questions regarding the minor child.

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

NRCP Rule 4, Service of Process and NRCP Rule 6(d), Time.

LACK OF JURISDICTION - District Court matter is currently on Appeal under the jurisdiction of the Supreme Court of Nevada.

RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS

RULE 60. RELIEF FROM JUDGMENT OR ORDER

RULE 61. HARMLESS ERROR

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

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 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."

### **4. SUMMARIZATION OF SERIOUSNESS OF THE ISSUES AND SAFETY, HEALTH AND OVERALL WELL-BEING OF THE MINOR CHILD AND APPELLANT/PETITIONER'S RIGHTS DUE TO THE DECISIONS AND ACTIONS OF**

1 **THE JUDGES IN THIS MATTER**

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

5 Due to Judge Moss' decision on Appellate/Petitioner's Peremptory Challenge in this  
6 matter, Judge Moss went on to hold a 16.2 Case Management Conference on January 19, 2011,  
7 whereby she ensued further damage and prejudice to this matter. Specifically, Judge Moss awarded  
8 Respondent three full unsupervised days with the parties minor child, Sydney Rose Myers-Haskins  
9 (now 18mos.), specifically giving the parties Joint Physical and Legal Custody, despite the fact this  
10 Appellate/Petitioner has been the *de facto* Sole Physical and Sole Legal Custodian of the minor child.  
11 The Judge further made her decision despite the evidence of his mental and physical impairments,  
12 to include a brain injury, depression, post-traumatic stress disorder, etc., conviction, extensive history  
13 of drug and alcohol abuse, anger problems, domestic abuse issues (to include shoving  
14 Appellate/Petitioner's other minor child down the stairs), violence (to include punching a hole in the  
15 wall of the parties' home), Respondent's abandonment of the minor child who has a history of RSV  
16 and now of being hospitalized with seizures and on life-support, Respondent's own admissions in  
17 Court and his parents own admissions. Further, Judge Moss failed to acknowledge the fact that  
18 Respondent previously signed a Joint Agreement giving Appellate/Petitioner Sole Physical and Sole  
19 Legal Custody of the parties minor child waiving any visitation, signed July of 2010, *See Court's file*.  
20 Respondent further refused a drug test and therefore waived any visitation of the minor child yet  
21 again at the parties' TPO hearing, as well.

22 Additionally, the minor child has been returned to Appellate/Petitioner lethargic, dehydrated,  
23 listless and ill with viruses. Appellate/Petitioner had to take the minor child to her Pediatrician who  
24 thereby diagnosed her with a serious, rare, contagious illness, in which her Pediatrician wrote a note  
25 stating she is to remain in Appellate/Petitioner's care. Most recently, the subject minor was vomiting  
26 continuously while in Respondent's "care" and "custody" and had to be taken to the urgent care and  
27 given anti-nausea medication, she was diagnosed with yet another virus. It is extremely important to  
28 note for the record, since the Respondent has been out of the home permanently and has had no  
contact with the minor child as July of 2010 and up until Judge Moss' Order where Respondent  
began having contact with her January 19, 2011, the minor child was healthy, developing well, happy  
and without incident while in the care and custody of this Appellate/Petitioner and her immediate  
family. Further, Respondent never cared for the minor child while he was "living" at the parties'  
townhome prior to his leave, even taking the last of the food out of the home, taking all of the parties'  
money, to include the money for the minor child's doctor visit and leaving this Appellate/Petitioner  
without any necessities or food for the minor child (baby) and her other minor child. The minor child  
was ill with RSV at approximately 5 weeks of age and Respondent refused to quit smoking indirectly  
and directly around her, even yelling obscenities while the minor child was ill and having difficulty  
breathing, refusing to assist or acknowledge her in every way possible. Respondent still smokes to  
date and still refuses to cease smoking both indirectly and directly around the minor child, despite the  
Court's Order.

Appellant/Petitioner is extremely concerned for the minor child's health, safety and overall  
well-being, her Pediatrician is as well, as Judge Moss' Orders subsequent to her decision/Minute

1 Order of January 11, 2011, where she denied Appellate/Petitioner's Peremptory Challenge and  
2 Request for Voluntary Recusal, would continue to put the minor child in direct harm's way by  
3 allowing Respondent to have the 3 unsupervised days with her, especially when she continues to  
become ill in his "care" and "custody".

4 Further, subsequent to Judge Moss' Order denying Appellate/Petitioner's Peremptory  
5 Challenge and Voluntary Recusal request, she further Order the Appellate/Petitioner to undergo a  
6 psychological evaluation based on a completely unrelated matter which is currently on Appeal and  
7 specifically a 2003 report by an unqualified individual (as per the State Psychological Board) and  
8 despite the acceptance of expert testimony and reports rebutting same. The Court not only forced  
Appellate/Petitioner to discuss in detail this completely unrelated matter which is on Appeal, but  
placed her in the position of defending herself in this matter.

9 Moreover, since I am challenging the District Court - Family Division's Orders and Judge  
10 Moss as the assigned Judge in this matter (until recently when she recused herself due to opposing  
11 counsel's ex-parte communication with her), Appellate/Petitioner has been and will continue to be  
12 highly prejudiced in both this on-going and her Supreme Court matter as referenced herein. It would  
13 thereby allow the District Court - Family Division to proceed with its current Orders, to include  
14 allowing them to discuss and utilize all documents and information from Appellate/Petitioner's  
15 separate unrelated Supreme Court matter, forcing Appellate/Petitioner to be subjected to yet another  
16 Psychological Evaluation despite the favorable reports and prior testimony of highly qualified  
17 psychiatrists/psychologists stating she has no mental health issues whatsoever, in which this Court  
and opposing counsel is refusing to acknowledge. I am further challenging the fact that Judge  
Duckworth decided to gain jurisdiction over this matter and hear this matter and render decisions and  
order(s) in this matter, despite the fact the lower court lacks the jurisdiction as this matter is on  
Appeal under the jurisdiction of the Supreme Court of Nevada. Further, Judge Duckworth threatened  
Appellant/Petitioner at the June, 2011 Court hearing, again, despite the fact he lacks the  
jurisdiction to hear this matter, render decisions and make any orders whatsoever in this matter.

18 There still continues to exists a conflict of interest with Respondent's counsel, as  
19 Appellate/Petitioner consulted with an associate attorney at Ms. Robert's law firm on this matter and  
20 Appellate/Petitioner's other unrelated matter prior to the commencement of this case. It has also  
21 recently come to the attention of this Appellate/Petitioner that the Office Manager/Senior Paralegal  
22 has a long-standing personal relationship with not only this Appellate/Petitioner, but with the her  
23 immediate and extended family, as well. Opposing counsel has also engaged in ex-parte  
24 communication with Department I/Judge Moss throughout this matter and has continued to engage  
25 in discovery after the filing of the Appeal in this matter and to present. Opposing counsel, however,  
continues to refuse to conflict themselves out of this matter for an unknown reason.  
Appellate/Petitioner is in the process of filing a State Bar complaint against Ms. Roberts and her firm  
and is in the process of filing a Motion to Disqualify, as well. Ms. Roberts' continued to harassment,  
perjury, attempts at the destruction of this Appellate/Petitioner's credibility in this State, failure to  
ensure the health and safety of the subject minor (a 18month old baby) and her failure to follow the  
laws and rules under her own code of ethics as counsel must not be tolerated.

26 ///



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

2 The parties' hearing of January 19, 2011 was to be a 16.2 Case Management Conference,  
3 although opposing counsel, Amanda Roberts filed a Motion for primary physical and sole legal  
4 custody and for a psychological evaluation of this Appellate/Petitioner at the last minute **providing**  
5 **Appellant/Petitioner a copy 5 minutes prior to this 16.2 Conference**, despite NRCP 6(d)(e).  
6 No OST was ever signed and filed or provided to Appellate/Petitioner, nor did Ms. Roberts ever  
7 provide Appellate/Petitioner the Motion at least 5 full Judicial days prior to the scheduled hearing.  
8 Appellate/Petitioner was further never given 10 days in order to properly file an  
9 Opposition/Counter-motion, as per EDCR 2.20. Moreover, since opposing counsel stated she also  
10 mailed a copy of the Motion to Appellate/Petitioner the same day of this hearing, Appellate/Petitioner  
11 did not receive opposing counsel's Motion until after the hearing<sup>1</sup> Therefore, Appellate/Petitioner was  
12 prejudiced in this matter as Appellate/Petitioner was not properly prepared to defend or provide all  
13 necessary documentation to justify her defenses or claims.

14 Despite these issues, the District Court - Family Division, to specifically include Judge Cheryl  
15 B. Moss still allowed the Motion to be heard, specifically awarded the Respondent three full  
16 unsupervised days with the parties minor child, Sydney Rose Myers-Haskins (now 18mos.),  
17 specifically giving the parties' Joint Physical and Legal Custody, despite the fact this  
18 Appellate/Petitioner has been the *de facto* Sole Physical and Sole Legal Custodian of the minor child,  
19 despite the evidence of his mental and physical impairments, conviction, extensive history of drug and  
20 alcohol abuse, anger problems, violence (to include Respondent punching a hole in the wall of the  
21 parties' home), domestic abuse issues (to include Respondent shoving Appellate/Petitioner's other  
22 minor child down the stairs), Respondent's own admissions in Court and his parents own admissions  
23 and his abandonment of the minor child who has a history of RSV. Judge Moss further refused to  
24 acknowledge that Respondent previously signed a Joint Agreement giving Appellate/Petitioner Sole  
25 Physical and Sole Legal Custody of the parties minor child waiving any visitation. Respondent also  
26 waived any visitation and refused a drug test at the prior TPO hearing, as well.

27 The Court further Ordered the Appellate/Petitioner to undergo a psychological evaluation  
28 based on a completely unrelated matter which is currently on Appeal and specifically a 2003 report  
by an unqualified individual (as per the State Psychological Board) and despite the acceptance of  
expert testimony and reports rebutting same. The Court not only forced Appellate/Petitioner to  
discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position  
of defending herself in this matter. Interestingly 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).

---

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



1 It is important to note the events leading up to this hearing. The 16.2 Conference was  
2 originally noticed for November 22, 2010, although Amanda Roberts, counsel for Respondent  
3 requested it be vacated at the last minute and submitted a Stipulation and Order. This hearing was  
4 then vacated and the new hearing was to be noticed to both counsels by the Department, although  
5 a notice was never filed and the on-line system evidenced the conference as being "off calendar".  
6 During his time, Appellate/Petitioner's now former counsel, Preston P. Rezaee, Esq. filed a Motion  
7 to Withdraw as counsel of record, which was currently on calendar for January 10, 2011, although  
8 the hearing was recently vacated as an Order granting his Motion to Withdraw was signed and filed  
9 December 23, 2010, without a hearing or a filed Request for Entry of Order. Mr. Rezaee never filed  
10 Appellate/Petitioner's 16.2 Financial Disclosure Form signed on August 15, 2010 and provided to his  
11 office, and never filed other documents while he was still counsel for Appellate/Petitioner.  
12 Appellate/Petitioner did receive a responsive email January 3, 2011, by Mr. Rezaee's secretary  
13 notifying Appellate/Petitioner of the new hearing date for the 16.2 Conference (which was now  
14 scheduled for the following Monday, January 10, 2011), the time of this hearing was not known.  
15 Therefore, Appellate/Petitioner contacted the Law Clerk who notified Appellate/Petitioner of the  
16 hearing time of 10:30 a.m. In sum, Appellate/Petitioner was never properly noticed of the new  
17 hearing date and time. Further, Respondent's counsel, Ms. Roberts failed to appear on her client's  
18 behalf, although Judge Moss allowed the hearing to move forth discussing the Peremptory Challenge,  
19 Request for Voluntary Recusal, etcetera.

20 Appellate/Petitioner then attempted to file an Emergency Motion to Proceed in Forma  
21 Pauperis, Affidavit and most importantly a Peremptory Challenge, although the District Court Clerk's  
22 office declined to file these documents and referred Appellate/Petitioner to file all with the Nevada  
23 Supreme Court. In speaking with the Clerk and Supervisor of the Supreme Court, it was determined  
24 that these documents were in fact to be filed with the District Court Clerk's office. The District  
25 Court Clerk still declined to file such documents for Appellate/Petitioner. Therefore,  
26 Appellate/Petitioner attempted to e-file all to ensure no further prejudice, although the Court would  
27 not allow the Peremptory Challenge or Motion to be e-filed, thereby rejecting them both.  
28 Appellate/Petitioner then contacted the Court and spoke with the Law Clerk for the Presiding Judge  
in attempt at a resolution to the above circumstances, who then in turn spoke with the assigned  
Department I and the Supreme Court. While the Law Clerk informed he was awaiting a response  
from Supreme Court legal counsel, he later informed he passed the Peremptory Challenge, and  
associating documents on to the assigned Department I, Department I is the same 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. Appellant/Petitioner has filed Appeals to the Supreme Court  
regarding these issues.

25 In conclusion, I am concerned with regard to the actions of and decisions made by the  
26 previously assigned Family Court Judge Moss in this matter and specifically her Orders which were  
27 rendered despite the fact she was engaging in ex-parte communication with opposing counsel,

1 Amanda Roberts, their personal friendship, and the fact Respondent signed a legal contractual  
2 agreement giving me Sole Physical/Sole Legal Custody waiving all visitation, etc of the  
3 subject minor and his mental/physical impairments, violence issues, conviction and abandonment  
4 of the child, of which Judge Moss refused to acknowledge whatsoever, and of which Judge  
5 Duckworth is now refusing to acknowledge and hear. Yet, Judge Duckworth, after knowing this  
6 matter in its entirety is and has been on Appeal (Judge Moss' Orders, which are also  
7 deemed "void" under the law), and specifically a Notice of Appeal having been filed on the  
8 OST for the June 15<sup>th</sup> hearing and despite the fact he admitted he had no jurisdiction over  
9 this matter, still went forth with the June 15<sup>th</sup> Motion hearing on OST, rendered new  
10 Orders and decisions and stated he will be forwarded correspondence, which would be  
11 prepared by opposing counsel to the Supreme Court, ultimately interfering with  
12 Appellant/Petitioner's right of due process and prejudicing this matter and the Appellate  
13 matters. Opposing counsel, Ms. Roberts even requested Judge Duckworth's assistance  
14 in completing the correspondence to the Supreme Court, in which the Judge began to  
15 advise her as to the content. Appellant/Petitioner's understanding as to the Judge's role in this  
16 matter, is that he is to remain impartial, to refrain from engaging in any type of ex-parte  
17 communication and to refrain from acting out of its jurisdiction, as per the Judicial Code of Ethics.

18 This Appellant/Petitioner is again forced to file this Appeal on the NEOJ of OST of  
19 Respondent's Motion. The Motion should've never been heard before the lower court, as this matter  
20 in its entirety is currently and has been on Appeal with the Supreme Court, let alone a lower court  
21 Judge approving of an Order Shortening Time. It is discerning to this Appellant/Petitioner as the  
22 lower court approved Appellant/Petitioner and on behalf of the subject minor, SYDNEY ROSE  
23 MYERS-HASKINS' TPO against the Respondent due to his actions and behavior (his abuse and  
24 neglect of the subject minor), which ultimately rendered the subject minor to be taken by ambulance  
25 to Summerlin Hospital, be subjected to treatment in the Pediatric Emergency Room, placed on life-  
26 support, and admitted into the Pediatric Intensive Care Unit from May 4<sup>th</sup> through May 7<sup>th</sup>. The  
27 subject minor now has a history of RSV and now of being hospitalized with seizures on life-support,  
28 URI, Gastrointestinal Virus, Vomiting, Diarrhea, Strep (Nasal - rare), Fever, been on oxygen, testing,  
CAT scan, Lumbar Puncture, EEG, continuous weight loss, sleep deprivation, bruising, reaction to  
smoke inhalation, etc. as a result of the abuse and neglect by Respondent and the decisions of the  
lower court and specifically Judge Moss and now Judge Duckworth.


How much more must she endure to this "void" and prejudicial Order(s) of Judge Moss and  
the actions, decisions and Orders of Judge Duckworth before this Honorable Supreme Court  
interferes and supercedes these Orders and intervenes to stop this injustice against a mother and her  
child and the unlawful, unethical behaviors and actions of the Court and its officers, to include that  
of opposing counsel? Appellant/Petitioner is extremely concerned for the minor child's health, safety  
and overall well-being, her Pediatrician is as well, as the District Court's Order would continue to put  
the minor child in direct harm's way by allowing Respondent to have the 3 unsupervised days with  
her, especially when she became ill in his care and custody and he failed to notify Appellant/Petitioner  
of anything whatsoever, to include his blatant refusal to answer any questions regarding the minor  
child.

Appellant/Petitioner is in proper person and requests to reserve her right to supplement

1 information in this section as she is in the process of researching the additional laws and rules  
2 pertaining to this section.

3 The lower Court erred by allowing opposing counsel to submit a Motion for change of  
4 custody, evaluation, etcetera for the second time, despite the fact she is barred by the  
5 Murphy/McMonigle, res judicata - LaForge (cannot again be re-litigated). The Court further  
6 erred by discussing, accepting, utilizing and forcing Appellant to defend herself with regard to  
7 her unrelated matter currently on Appeal. Further, the Court had no jurisdiction in which to hear  
8 this matter, let alone on order shortening time. What was the reasoning for the approval of the  
9 Order Shortening Time for Respondent's Motion when the same Court approved a Temporary  
10 Protective Order against Respondent and for the protection of Appellant and the subject  
11 minor? Further, the Order Shortening Time was never personally served to Appellant pursuant  
12 to the rules. Additionally, Appellant was never provided proper time in which to prepare and  
13 file an Opposition and Countermotion to the Motion prior to the hearing.

14 Dated this 14<sup>th</sup> day of October, 2011.

15  
16   
17 LISA MYERS  
18 9360 West Flamingo Road, No. 110-326  
19 Las Vegas, Nevada 89147  
20 Appellant, in proper person

21 **CERTIFICATE OF MAILING**

22 I hereby certify that on the 17<sup>th</sup> day of October, 2011, I mailed a true and correct  
23 copy of the **PETITION TO RECALL THE REMITTITUR AND PETITION FOR**  
24 **REHEARING** via United States Mail, postage prepaid, to the following:

25 Amanda M. Roberts  
26 2011 Pinto Lane, Suite 100  
27 Las Vegas, Nevada 89106  
28 **Attorney for Respondent,**  
Caleb Haskins

Family Court Judge Bryce C. Duckworth  
Eight Judicial District Court - Family Division  
601 North Pecos Road  
Las Vegas, Nevada 89101

  
Lisa Myers, Appellant in proper person

EXHIBIT "1"

1 **ORDR**

2 Lisa Myers

3 9360 West Flamingo Road, No. 110-326

4 Las Vegas, Nevada 89147

(702) 401-4440

**Defendant In Proper Person**

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

**FILED**

JAN 10 2 25 PM '11

*Christine J. Robinson*  
CLERK OF THE COURT

8 CALEB O. HASKINS,

) CASE NO.: 10-D-434495-D

) DEPT NO.: I

9 Plaintiff,

10 vs.

12 LISA MYERS,

13 Defendant.

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:

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.

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

1 file or issue any necessary writ, pleading or paper without charge.

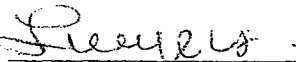
2  
3 **IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this  
4 State shall make personal service of any necessary writ, pleading or paper without charge.

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

10 Dated this 10 day of January, 2011.

11  
12   
13 DISTRICT COURT JUDGE

14 Respectfully Submitted By:

15 

16 LISA MYERS  
17 9360 West Flamingo Road, No. 110-326  
18 Las Vegas, Nevada 89147  
19 (702) 401-4440  
20 Defendant In Proper Person

21 ///

22 ///

23 ///