

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRISTI RAE FREDIANELLI AND  
TONY FREDIANELLI,  
Appellants,  
vs.  
SEBASTIAN MARTINEZ,  
Respondent.

No. 59272

**FILED**

**MAY 22 2012**

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

ORDER TO SHOW CAUSE

On January 20, 2012, this court dismissed this appeal when appellants failed to file and serve their civil proper person appeal statement forms.<sup>1</sup> Thereafter, appellants retained counsel and filed a petition for rehearing of this court's January 2012 dismissal order. In their rehearing petition, appellants argue that rehearing should be granted and their appeal reinstated because they have not abandoned their appeal and that appellate review is necessary to remedy dueling child custody orders issued in different states and to address a purported issue of first impression.

Our consideration of appellants' rehearing petition, however, has revealed a potential jurisdictional defect. Specifically, the order set forth in appellants' notice of appeal does not appear to be substantively appealable. Although the order appears to resolve the parties' physical


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<sup>1</sup>In that same order, this court dismissed respondent's cross-appeal based on his failure to pay the requisite filing fee. Because respondent failed to timely file a rehearing petition from our dismissal order, his cross-appeal is not addressed further.

and legal child custody dispute, as well as issues concerning paternity and child support, the order indicates that further proceedings were to be scheduled for the district court to establish respondent's visitation rights with the minor child. Thus, it appears that an order finally establishing custody of the minor child has not been entered and, as a result, it appears that this court lacks jurisdiction over this appeal. NRAP 3A(b)(7) (authorizing an appeal from an order finally establishing or altering custody of minor children).

Accordingly, appellants shall have 15 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellants should submit points and authorities or documentation that establishes this court's jurisdiction including, but not necessarily limited to, a copy of a district court order fully resolving the outstanding visitation issue. We caution appellants that failure to demonstrate that this court has jurisdiction may result in the denial of appellants' petition for rehearing.

It is so ORDERED.<sup>2</sup>

, A.C.J.

cc: Callister & Associates  
Sebastian Martinez

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<sup>2</sup>In light of this order, we defer ruling on appellants' rehearing petition.