

ORIGINAL

FILED

Nov 3 11 28 AM '11

Electronically Filed
Nov 09 2011 04:00 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOTC
2 Lisa Myers
3 9360 West Flamingo Road, No. 110-326
4 Las Vegas, Nevada 89147
5 (702) 401-4440
6 Defendant/Counterclaimant/Applicant,
7 in Proper Person and on behalf of
8 subject minor

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

9 CALEB O. HASKINS,) District Court No. 10-D-434495-D
10) Dept. No. Q
11 Plaintiff,)

12 vs.)

13 LISA MYERS,)
14)
15 Defendant.)

16 LISA MYERS,)
17)
18 Counterclaimant,)

19 vs.)

20 CALEB HASKINS,)
21)
22 Counterdefendant.)

23 LISA MYERS and On Behalf of SYDNEY) District Court No. T-11-133627-T
24 ROSE MYERS-HASKINS, subject minor,) (heard before Dept. Q)

25 Applicants,)

26 vs.)

27 CALEB HASKINS,)
28)
Adverse Party.)

NOTICE OF APPEAL

CLERK OF THE COURT

NOV 03 2011

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NOTICE OF APPEAL

Notice is hereby given that LISA MYERS and On Behalf of SYDNEY ROSE MYERS-HASKINS, subject minor, Defendant/Counterclaimant/Applicants in Proper Person, hereby appeal to the Supreme Court of Nevada from the Notice of Entry of Order of ~~October 17~~^{November 5}, 2011. There is a lack of jurisdiction, justification and a denial of due process with regard to this Order. As such, Defendant/Counterclaimant/Applicant has no other legal remedy in this matter to protect her and her child's rights and safety than by filing this Notice of Appeal.

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

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

Defendant/Counterclaimant/Applicants are appearing in proper person, *See Haines v. Kerner*, 404 U.S. 519 (1972), *Hall 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"**. Ms. Myers and on behalf of the subject minor reserves her right to supplement additional information for this Appeal should it become available or necessary.

Dated this 3rd day of ~~October~~^{November}, 2011.



LISA MYERS

9360 West Flamingo Road, No. 110-326
Las Vegas, Nevada 89147

**Defendant/Counterclaimant/Applicant, in Proper
Person and on behalf of subject minor**

EXHIBIT "1"

ORIGIN

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
Arthur J. Johnson
CLERK OF THE COURT

8 CALEB O. HASKINS,)
9) CASE NO.: 10-D-434495-D
10 Plaintiff,) DEPT NO.: I
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

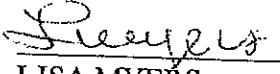
13


DISTRICT COURT JUDGE

14

Respectfully Submitted By:

15



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

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FILED

NOV 08 2011

[Signature]
CLERK OF COURT

1 ASTA

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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 CALEB OBADIAH HASKINS,

8 Plaintiff(s),

9 vs.

10 LISA MYERS,

11 Defendant(s).
12

Case No: 10D434495

Dept No: Q

13
14 **CASE APPEAL STATEMENT**

15 1. Appellant(s): Lisa Myers

16 2. Judge: Bryce Duckworth

17 3. Appellant(s): Lisa Myers

18 Counsel:

19 Lisa Myers
20 9360 W. Flamingo Rd., #110-326
21 Las Vegas, NV 89147

22 4. Respondent (s): Caleb Obadiah Haskins

23 Counsel:

24 Amanda M. Roberts, Esq.
25 2011 Pinto Ln., Suite 100
Las Vegas, NV 89106

26 5. Respondent's Attorney Licensed in Nevada: Yes

27 6. Appellant Represented by Appointed Counsel In District Court: No

28 7. Appellant Represented by Appointed Counsel On Appeal: N/A

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8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, January 10, 2011

9. Date Commenced in District Court: August 10, 2010

10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

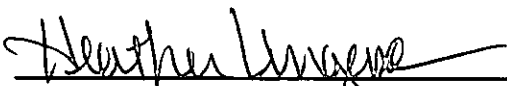
Supreme Court Docket Number(s): 57825, 58306, 58581

12. Child Custody or Visitation: Custody

13. Possibility of Settlement: Unknown

Dated This 8 day of November 2011.

Steven D. Grierson, Clerk of the Court

By: 
Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

CASE SUMMARY
CASE No. D-10-434495-D

Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

§
 §
 §
 §

Location: **Department Q**
 Judicial Officer: **Duckworth, Bryce C.**
 Filed on: **08/20/2010**

CASE INFORMATION

Related Cases

T-10-127808-T (Linked - 1J1F)
 T-11-133627-T (Linked - 1J1F)

Case Type: **Divorce - Complaint**
 Sub Type: **Complaint Subject Minor(s)**

Case Status: **08/20/2010 Open**

Case Flags: **Order After Hearing Required**
Order / Decree Logged Into
Department
Lead Case - 1J1F
Proper Person Documents Mailed
Appealed to the Nevada Supreme
Court

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	D-10-434495-D
Court	Department Q
Date Assigned	03/10/2011
Judicial Officer	Duckworth, Bryce C.

PARTY INFORMATION

Plaintiff

Haskins, Caleb Obadiah
 4033 Gaster Ave
 North Las Vegas, NV 89081

Roberts, Amanda M, ESQ
 Retained
 702-474-7007(W)

Defendant

Myers, Lisa
 ** Confidential Address **

Pro Se






Subject Minor

Haskins, Sydney Rose

DATE

EVENTS & ORDERS OF THE COURT














EVENTS

- 11/03/2011  Notice of Appeal
 Filed by: Defendant Myers, Lisa
- 10/12/2011  Clerk of the Courts Notice of Change of Hearing
- 10/12/2011 NV Supreme Court Clerks Certificate/Judgment - Dismissed
- 08/17/2011  NV Supreme Court Clerks Certificate
- 08/17/2011 NV Supreme Court Clerks Certificate/Judgment - Dismissed
- 06/24/2011  Certificate of Mailing
 Filed by: Defendant Myers, Lisa
 For: Attorney Roberts, Amanda M, ESQ; Plaintiff Haskins, Caleb Obadiah
Brief On Merit To Extend Temporary Protective Order And Opposition To Motion for Change Of Custody, OSC, ETAL And Motion To Strike Opposition And Countermotion In The T-Case And Motion In The D-Case Due To Untimeliness, Defective Service And Lack Of Jurisdiction
- 06/24/2011  Certificate of Mailing
 Filed by: Defendant Myers, Lisa

CASE SUMMARY

CASE NO. D-10-434495-D

For: Attorney Roberts, Amanda M, ESQ; Plaintiff Haskins, Caleb Obadiah

- 06/24/2011  Affidavit in Support
Filed by: Defendant Myers, Lisa
Of Emergency Application For Leave To Proceed In Forma Pauperis-Transcript/Video Services
- 06/24/2011  Order to Proceed In Forma Pauperis
Filed by: Defendant Myers, Lisa
- 06/24/2011  Application to Proceed in Forma Pauperis
Filed by: Defendant Myers, Lisa
Motion For Leave To Proceed
- 06/16/2011  Case Appeal Statement
Filed by: Plaintiff Haskins, Caleb Obadiah; Subject Minor Haskins, Sydney Rose
- 06/15/2011  Order
for Supervised Exchange
- 06/15/2011  Agreement
Filed by: Defendant Myers, Lisa
Joint
- 06/15/2011  Brief
Filed by: Defendant Myers, Lisa
on Merit Extend Temporary Protective Order and Opposition to Motion for Change
- 06/13/2011  Notice of Appeal
Filed by: Defendant Myers, Lisa
- 06/13/2011  Affidavit of Service
Filed by: Plaintiff Haskins, Caleb Obadiah
Party 2: Defendant Myers, Lisa
In Person
- 06/08/2011  Notice of Entry of Order
Filed by: Plaintiff Haskins, Caleb Obadiah
-ost
- 06/08/2011  Financial Disclosure Form
Filed by: Plaintiff Haskins, Caleb Obadiah
Plaintiff, Caleb Haskins, Financial Disclosure Form
- 06/06/2011  Order Shortening Time
Filed by: Plaintiff Haskins, Caleb Obadiah
- 06/02/2011  Request
Filed by: Defendant Myers, Lisa; Plaintiff Haskins, Caleb Obadiah
of Transcript
- 06/01/2011  Certificate of Service
Filed by: Plaintiff Haskins, Caleb Obadiah
Certificate of Service
- 05/27/2011  Affidavit
Filed by: Defendant Myers, Lisa
Emergency Affidavit in Support of Emergency Motion for Leave to Proceed
- 05/27/2011  Motion
Filed by: Defendant Myers, Lisa
For: Plaintiff Haskins, Caleb Obadiah
Emergency Motion for Leave to Proceed in Forma Pauperis-Waiver Of Fees and Costs Of Transcripts
- 05/27/2011  Ex Parte Application
Filed by: Plaintiff Haskins, Caleb Obadiah

CASE SUMMARY

CASE NO. D-10-434495-D

Ex Parte Application for Order Shortening Time

- 05/24/2011  Motion
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Motion and Motion for the COurt to Agree to Hear this Matter Pursuant to Huneycutt; Sole Legal Custody, Primary Physical Custody, and Independant Medical Evaluation, the Issuance of an Order to Show Cause Against Lisa; and for Attorney Fees and Costs; Affidavit of Caleb Haskins
- 05/09/2011  Case Appeal Statement
 Filed by: Defendant Myers, Lisa
- 05/04/2011  Certificate of Mailing
 Filed by: Defendant Myers, Lisa
 For: Plaintiff Haskins, Caleb Obadiah
- 05/04/2011  Notice of Entry of Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice Of Entry Of Order
- 04/28/2011  Notice of Appeal
 Filed by: Defendant Myers, Lisa
- 04/27/2011  Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Order 1/10/11
- 04/25/2011  Notice of Entry of Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Entry of Order
- 04/25/2011  Notice of Entry of Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Entry of Order
- 04/14/2011  Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Order of Recusal
- 03/30/2011  Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Order After Hearing 1/19/11
- 03/17/2011  Estimate of Transcript
- 03/11/2011  Notice of Department Reassignment
- 03/10/2011  Notice of Entry
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Entry of Minute Order
- 02/28/2011  Case Appeal Statement
 Filed by: Defendant Myers, Lisa
Case Appeal Statement
- 02/23/2011  Certificate of Mailing
 Filed by: Defendant Myers, Lisa
 For: Plaintiff Haskins, Caleb Obadiah
Certificate of Mailing
- 02/23/2011  Notice of Appeal
 Filed by: Defendant Myers, Lisa
Notice of Appeal
- 01/28/2011  Certificate of Mailing
 Filed by: Plaintiff Haskins, Caleb Obadiah

CASE SUMMARY


















CASE NO. D-10-434495-D

For: Defendant Myers, Lisa
Pursuant to NRCP 16.2 - U.S. Mail

- 01/28/2011  Notice of Entry of Order
 Filed by: Defendant Myers, Lisa
Notice of Entry of Order and Order To Proceed In Forma Pauperis
- 01/28/2011  Request
 Filed by: Defendant Myers, Lisa
Request for Voluntary Recusal of Justice
- 01/28/2011  Motion
 Filed by: Defendant Myers, Lisa
Motion to Recuse
- 01/19/2011  Case Management Order
 Filed by: Defendant Myers, Lisa; Plaintiff Haskins, Caleb Obadiah
- 01/19/2011  Order
Mutual Behavior Order
- 01/19/2011  Order
for Supervised Exchange
- 01/19/2011  Certificate of Service
 Filed by: Plaintiff Haskins, Caleb Obadiah
U.S. Mail
- 01/14/2011  Family Court Motion Opposition Fee Information Sheet
 Filed by: Plaintiff Haskins, Caleb Obadiah
Family Court Motion/Opposition Fee Information Sheet
- 01/14/2011  Motion
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Motion and Motion for Sole Legal Custody, Primary Physical Custody, and Independant Medical Evaluation, and for Attorney Fees and Costs; Affidavit of Caleb Haskins
- 01/14/2011  Ex Parte Application
 Filed by: Plaintiff Haskins, Caleb Obadiah
Ex Parte Appllication for an Order Shortening Time
- 01/11/2011  NRCP 16.2 Case Management Conference
 Filed by: Plaintiff Haskins, Caleb Obadiah
Amended NRCP 16.2 Case Management Conference
- 01/10/2011  Financial Disclosure Form
 Filed by: Defendant Myers, Lisa
- 01/10/2011  Motion
 Filed by: Defendant Myers, Lisa
 For: Defendant Myers, Lisa
Emergency Motion for Leave to Proceed in Forma Pauperis
- 01/10/2011  Order to Proceed In Forma Pauperis
 Filed by: Defendant Myers, Lisa
- 01/07/2011  Affidavit in Support
 Filed by: Defendant Myers, Lisa
Affidavit In Support Of Motion For Leave To Proceed In Forma Pauperis
- 01/06/2011  Notice of Seminar Completion EDCR 5.07
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Seminar Completion EDCR 5.07
- 01/06/2011  Financial Disclosure Form

CASE SUMMARY

CASE NO. D-10-434495-D

- 01/03/2011  Notice of Entry of Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Financial Disclosure Form
- 12/23/2010  Order
 Filed by: Defendant Myers, Lisa
- 12/07/2010  Notice of Entry of Stipulation and Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Entry of Stipulation and Order
- 12/06/2010  Stipulation and Order
 Filed by: Plaintiff Haskins, Caleb Obadiah
Stipulation and Order to Continue Case Management Conference
- 12/01/2010  Reply
 Filed by: Plaintiff Haskins, Caleb Obadiah
Reply to Counterclaim for Divorce
- 10/26/2010  Motion
 Filed by: Attorney Rezaee, Preston P, ESQ
 For: Defendant Myers, Lisa
Motion to Withdraw as Attorney of Record
- 10/18/2010  NRCP 16.2 Case Management Conference
NRCP 16.2 Case Management Conferences
- 10/05/2010  Answer and Counterclaim
 Filed by: Defendant Myers, Lisa
Answer and Counterclaim
- 10/01/2010  Notice of Department Reassignment
- 09/29/2010  Notice of Intent to take Default
 Filed by: Plaintiff Haskins, Caleb Obadiah
Notice of Intent to Take Default
- 09/28/2010  Proof of Personal Service of Summons and Complaint
 Filed by: Plaintiff Haskins, Caleb Obadiah
 For: Defendant Myers, Lisa
Affidavit of Service
- 09/23/2010  Peremptory Challenge
 Filed by: Plaintiff Haskins, Caleb Obadiah
Peremptory Challenge
- 08/27/2010  Affidavit of Plaintiff
 Filed by: Plaintiff Haskins, Caleb Obadiah
Affidavit of Plaintiff
- 08/27/2010  Affidavit of Resident Witness
 Filed by: Plaintiff Haskins, Caleb Obadiah
Affidavit of Resident Witness
- 08/24/2010  Child Support and Welfare Party Identification Sheet
 Filed by: Plaintiff Haskins, Caleb Obadiah
- 08/24/2010  Child Support and Welfare Party Identification Sheet
 Filed by: Defendant Myers, Lisa
- 08/20/2010  Complaint for Divorce

CASE SUMMARY

CASE No. D-10-434495-D

HEARINGS

- 06/16/2011 **CANCELED Non-Jury Trial** (9:00 AM) (Judicial Officer: Moss, Cheryl B)
Vacated - per Clerk
Recusal
- 06/15/2011 **Motion** (11:00 AM) (Judicial Officer: Duckworth, Bryce C.)
 Events: 05/24/2011 Motion
Plff's Motion for Court to Agree to Hear This Matter Pursuant to Huneycutt, Sole Legal Custody, Primary Physical Custody, an Independent Medical Evaluation, the Issuance of an Order to Show Cause Against Lisa, and for Atty's Fees and Costs; Affidavit of Caleb Haskins
 Matter Heard;
 Journal Entry Details:
PLAINTIFF'S MOTION FOR COURT TO AGREE TO HEAR THIS MATTER PURSUANT TO HUNEYCUTT; SOLE LEGAL CUSTODY, PRIMARY PHYSICAL CUSTODY, AN INDEPENDENT MEDICAL EVALUATION, THE ISSUANCE OF AN ORDER TO SHOW CAUSE AGAINST LISA, AND FOR ATTORNEY'S FEES AND COSTS; AFFIDAVIT OF CALEB HASKINS. *Matter heard simultaneously with case T-11-133627-T. Ms. Roberts requested a closed hearing. COURT SO ORDERED. Court reviewed the matters at issue and noted there are a number of appeals which have been filed. Discussion by parties and counsel. MATTER TRAILED so Defendant could review medical records. MATTER RECALLED. Defendant objected to the Court reviewing the medical records as she was not sure if the records were complete. In the event the matter is REMANDED from the Supreme Court, the COURT would be INCLINED to ORDER the following: 1. The Court is INCLINED to Certify the Plaintiff's pursuit for an independent medical evaluation based on the allegations which have been raised in the pleadings. The medical evaluation would be conducted by any name on the provider list. Defendant is to cooperate with any appointments to facilitate the evaluation with Plaintiff providing Defendant with fifteen (15) days advanced notice. Notice of appointments may be mailed to 10779 Silver Lace Lane, Las Vegas, NV 89135. 2. The Court is INCLINED to allow the parties to pursue Discovery as it relates to medical records of the minor child. 3. The request for an Order to Show Cause for missed VISITATION time is DENIED as there was a Temporary Protection Order (TPO) filed by Defendant on behalf of the minor child which would have prohibited any VISITATION. The TPO has been DISSOLVED and as of now there is nothing to interfere with Judge Moss' Orders and the VISITATION should go forward and there should be an EXCHANGE today at 4:00 PM. The Court shall entertain make-up time for missed VISITATION pre-TPO if the matter is remanded by the Supreme Court. 4. In the event the schedule as Ordered by Judge Moss is not followed, this Court is INCLINED to make significant temporary changes to CUSTODY which may include TEMPORARY SOLE PHYSICAL CUSTODY of the minor child. This is only triggered if there is a violation to the Orders. 5. In the event either party interferes with the other party's JOINT LEGAL CUSTODY rights, the Court is INCLINED to make a modification to SOLE LEGAL CUSTODY. This is only triggered if there is a violation to the Orders. Parties are to notify each other of any medical appointments by way of email which is to include the name of the physician, date, time and location of the appointment. 6. The Court is NOT INCLINED to make any changes to the TEMPORARY JOINT LEGAL and TEMPORARY JOINT PHYSICAL CUSTODY Orders. Each party is entitled to know where the minor child is living. 7. By 5:00 PM today Defendant is to notify the Plaintiff with her address by way of email and Plaintiff is to notify the Defendant of the day care where the child is being cared for by way of email. 8. Parties are free to contact Child Protective Services (CPS) if either party believes the minor child is at risk. In the event CPS believes CHILD EXCHANGES should not take place there needs to be documentation provided to verify the recommendation or the Court will expect EXCHANGES to occur. 9. The Court is INCLINED to issue an Order for CPS to produce any and all records regarding any services and/or investigations provided by CPS. Those records (if they exist) would be made available to both parties for in camera review. 10. The CHILD EXCHANGES shall continue to occur at Donna's House at 4:00 PM pursuant to the schedule. 11. Any future request for a TPO should be heard by this Court. Mr. Roberts is to prepare the Certification to the Supreme Court as to what this Court is Inclined to do.;*
- 05/02/2011 **CANCELED Case Management Conference** (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)
Vacated - per Judge
Appeal still pending
- 05/02/2011 **CANCELED Return Hearing** (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)
Vacated - per Judge
Appeal still pending
- 04/20/2011 **CANCELED Calendar Call** (10:00 AM) (Judicial Officer: Moss, Cheryl B)
Vacated - per Clerk
Recusal
- 03/10/2011 **Minute Order** (3:15 PM) (Judicial Officer: Moss, Cheryl B)
 Recused;
 Journal Entry Details:
MINUTE ORDER OF RECUSAL: *On March 9, 2011, the undersigned Judge received an email that was posted by Plaintiff's counsel intended to serve as a legal question to the family law bar and requesting feedback. While*

CASE SUMMARY

CASE No. D-10-434495-D

Plaintiff's counsel may have inadvertently not realized that the undersigned Judge is on the List Serve (managed by the State Bar of Nevada) to receive emails and postings from the family bar. Plaintiff's counsel named Judge Moss in the email and discussed specific items that clearly identified the case to this Judge. Consequently, this appears to be an ex parte communication pursuant to the Judicial Code of Conduct mandating disqualification pursuant to Rule 2.11(A), "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned[.]" In addition, while the email posting could have been procedural in nature and not ex parte, the undersigned Judge still believes that she can no longer be impartial in this case. Therefore, IT IS HEREBY ORDERED that the undersigned Judge recuses herself from Case Number D10-434495-D, and this case shall be randomly reassigned. IT IS FURTHER ORDERED that a copy of this Minute Order of Recusal shall be served on Plaintiff's counsel and Defendant In Proper Person. SO ORDERED. ;

03/09/2011

Return Hearing (10:00 AM) (Judicial Officer: Moss, Cheryl B)Return Hearing re: *ATI/Polygraph Test (1 Hour)*Off Calendar; Return Hearing re: *ATI/Polygraph Test (1 Hour)*

Journal Entry Details:

COURT ORDERED, matter OFF CALENDAR pending the Appeal to the Supreme Court. All Orders remain in effect;

03/08/2011

CANCELED Motion (10:30 AM) (Judicial Officer: Moss, Cheryl B)*Vacated - per Judge**hearing 1-19-2011*

01/11/2011

Minute Order (1:30 PM) (Judicial Officer: Moss, Cheryl B)

Minute Order - No Hearing Held;


Journal Entry Details:

Judge Moss advised the parties and Dad's attorney this question would be submitted to the Presiding Judge. However, Judge Moss notes that after a closer review of the record and procedural history in this case, Mom's time frame to file a peremptory challenge already expired on November 5, 2010. Procedural Question: 1. Dad filed Complaint for Divorce on 8-20-10, assigned to Judge Potter. 2. Dad filed a TIMELY Peremptory Challenge on 9-23-10. 3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10. 4. Mom filed an Answer and Counterclaim on 10-5-10. 5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10. 6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived. 7. Mom also wanted the Peremptory Challenge Fee waived for her. 8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee. 9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived. 10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case. 11. Mom's attorney never filed the Peremptory Challenge. 12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010. 13. Service was completed after three mailing days on October 21, 2010. 14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge. 15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a). 16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse. 17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases. 18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m. ;

01/10/2011

CANCELED Motion for Withdrawal (10:30 AM) (Judicial Officer: Moss, Cheryl B)*Vacated**order to withdraw signed on 12/23/2010*

11/22/2010

 **Case Management Conference** (1:30 PM) (Judicial Officer: Moss, Cheryl B)**11/22/2010, 01/10/2011, 01/19/2011**

Off Calendar; Case Management Conference

Matter Continued; Case Management Conference

Non Jury Trial; Case Management Conference

Journal Entry Details:

Parties sworn and testified. Behavior Order SIGNED IN OPEN COURT. Discussions by Parties and Counsel. COURT ORDERED the following: 1. Plaintiff is REFERRED to American Toxicology Institute (ATI) for drug testing today. Defendant shall pay for the testing. 2. SCOPES shall be run on both Parties. 3. Plaintiff shall have a Polygraph Test done at his cost. 4. Both Parties shall sign HIPPA releases forthwith. 5. Defendant shall provide a list of 3-4 Outsource Evaluators to Atty Roberts within two (2) weeks. 6. Defendant shall request Plaintiff's VA medical records. 7. Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child, with exchanges every three (3) days beginning day with Plaintiff at 4:00 p.m. Exchanges shall be at the Family Court Marshall's Station during the week and Donna's House on Saturdays and Sundays. Parties will split the cost of Donna's House. 8. There is to be NO SMOKING around the minor child. 9. Parties shall communicate by e-mail on child issues only. 10. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at \$621.00 per month, with 1/2 due on the 15th and last day of each month by direct deposit into Defendant's bank account. January's payment is due by the last day of January. 11. CHILD SUPPORT ARREARES are DEFERRED. 12. Defendant provides health insurance for the minor child, with proof of the

CASE SUMMARY

CASE No. D-10-434495-D

child's portion, within two (2) weeks, Plaintiff shall pay 1/2 of that cost. 13. Court shall obtain the doctor's reports from the Gambini case D260907, of which Defendant is a party to. 14. Plaintiff's Motion scheduled for March 8, 2011 is VACATED. 15. Return Hearing, Calendar Call and Trial dates SET. Case Management Order SIGNED and FILED IN OPEN COURT. Atty Roberts shall prepare the Order from today's hearing, Defendant to sign as to form and content. 3-9-2011 10:00 AM RETURN: ATIPOLYGRAPH 4-20-2011 10:00 AM CALENDAR CALL 6-16-2011 9:30 AM NON-JURY TRIAL #1 ;

Off Calendar; Case Management Conference

Matter Continued; Case Management Conference

Non Jury Trial; Case Management Conference

Journal Entry Details:

Atty Jason Stoffel, Bar #8898, present by telephone for Atty Amanda Roberts who was ill. Discussion by Parties and Counsel. COURT ORDERED the following: 1. Defendant shall file a Financial Disclosure Form and serve Atty Roberts forthwith. 2. Defendant's Order in Forma Pauperis is GRANTED and SIGNED IN OPEN COURT. This Court will submit matter to Presiding Judge due to unusual circumstances; to see if Defendant is permitted to file the Peremptory Challenge. ;

Off Calendar; Case Management Conference

Matter Continued; Case Management Conference

Non Jury Trial; Case Management Conference

Journal Entry Details:

Prior to today's hearing, Counsel submitted a Stipulation and Order to Continue, therefore, COURT ORDERED, MATTER OFF CALENDAR.;

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

November 22, 2010

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

**November 22,
2010**

1:30 PM

**Case Management
Conference**

**Case Management
Conference**

HEARD BY: Moss, Cheryl B

COURTROOM: Courtroom 13

COURT CLERK: Valerie Riggs

PARTIES:

Caleb Haskins, Plaintiff,
Counter Defendant, not
present

Amanda Roberts, Attorney,
not present

Lisa Myers, Defendant,
Counter Claimant, not present
Sydney Haskins, Subject
Minor, not present

Pro Se

JOURNAL ENTRIES

- Prior to today's hearing, Counsel submitted a Stipulation and Order to Continue, therefore, COURT ORDERED, MATTER OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: January 10, 2011 10:30 AM Motion for Withdrawal
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Moss, Cheryl B*

*Courtroom 13
Riggs, Valerie*

*Canceled: March 08, 2011 10:30 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Moss, Cheryl B
Courtroom 13*

*Canceled: April 20, 2011 10:00 AM Calendar Call
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Clerk
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: May 02, 2011 10:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: May 02, 2011 10:00 AM Case Management Conference
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 10, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

January 10, 2011 10:30 AM

**Case Management
Conference**

**Case Management
Conference**

HEARD BY: Moss, Cheryl B

COURTROOM: Courtroom 13

COURT CLERK: Valerie Riggs

PARTIES:

Caleb Haskins, Plaintiff,
Counter Defendant, present
Lisa Myers, Defendant,
Counter Claimant, present
Sydney Haskins, Subject
Minor, not present

Amanda Roberts, Attorney,
not present
Pro Se

JOURNAL ENTRIES

- Atty Jason Stoffel, Bar #8898, present by telephone for Atty Amanda Roberts who was ill.

Discussion by Parties and Counsel.

COURT ORDERED the following:

1. Defendant shall file a Financial Disclosure Form and serve Atty Roberts forthwith.
2. Defendant's Order in Forma Pauperis is GRANTED and SIGNED IN OPEN COURT.

This Court will submit matter to Presiding Judge due to unusual circumstances; to see if Defendant is permitted to file the Peremptory Challenge.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: January 10, 2011 10:30 AM Motion for Withdrawal
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: March 08, 2011 10:30 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
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Moss, Cheryl B
Courtroom 13*

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Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

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Padilla, Michael A.
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Courtroom 01
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Duckworth, Bryce C.*

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion

2. Dad filed a TIMELY Peremptory Challenge on 9-23-10.
3. The Notice of Department reassignment from Judge Potter to Judge Moss was filed on 10-1-10.
4. Mom filed an Answer and Counterclaim on 10-5-10.
5. Mom's attorney, Preston Rezaee, withdrew on 12-23-10.
6. On 1-5-11, Mom prepared and executed a motion for in Forma Pauperis requesting her fees be waived.
7. Mom also wanted the Peremptory Challenge Fee waived for her.
8. Court finds the Peremptory Challenge fee is a Supreme Court fee and therefore lacks jurisdiction to waive such a fee.
9. Mom, however, asked if she still had time to file a Peremptory Challenge because she was trying to get her Peremptory Challenge fee waived.
10. Court finds that Mom asked her former attorney to file a Peremptory Challenge BEFORE her attorney withdrew from the case.
11. Mom's attorney never filed the Peremptory Challenge.
12. The Notice of Case Management Conference was sent out by the Court's JEA on October 18, 2010.
13. Service was completed after three mailing days on October 21, 2010.
14. Mom's attorney would have had 10 days from October 21, 2010 to file a timely Peremptory Challenge.
15. Court finds Mom's time period to file a Peremptory Challenge expired on November 5, 2010 pursuant to EDCR 1.14 (a).
16. Court further denies Mom's request for voluntary recusal because there is no basis to recuse.
17. in addition, pursuant to the Judicial Canons, a judge has a duty to sit and hear cases.
18. Court ORDERED the case shall remain in Department I and the date for the 16.2 CMC Conference shall be reset to January 19, 2011 at 9:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: March 08, 2011 10:30 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge

Moss, Cheryl B

Courtroom 13

Canceled: April 20, 2011 10:00 AM Calendar Call

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk

Moss, Cheryl B

Courtroom 13

Riggs, Valerie

Canceled: May 02, 2011 10:00 AM Return Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge

Courtroom 01

Padilla, Michael A.

Duckworth, Bryce C.

Canceled: May 02, 2011 10:00 AM Case Management Conference

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge

Courtroom 01

Padilla, Michael A.

Duckworth, Bryce C.

Canceled: June 16, 2011 9:30 AM Non-Jury Trial

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk

Moss, Cheryl B

Courtroom 13

Canceled: June 28, 2011 10:00 AM Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 19, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

January 19, 2011 9:00 AM Case Management Conference Case Management Conference

HEARD BY: Moss, Cheryl B COURTROOM: Courtroom 13

COURT CLERK: Valerie Riggs

PARTIES:

Caleb Haskins, Plaintiff, Counter Defendant, present	Amanda Roberts, Attorney, present
Lisa Myers, Defendant, Counter Claimant, present	Pro Se
Sydney Haskins, Subject Minor, not present	

JOURNAL ENTRIES

- Parties sworn and testified.

Behavior Order SIGNED IN OPEN COURT.

Discussions by Parties and Counsel.

COURT ORDERED the following:

1. Plaintiff is REFERRED to American Toxicology Institute (ATI) for drug testing today. Defendant shall pay for the testing.

2. SCOPES shall be run on both Parties.
3. Plaintiff shall have a Polygraph Test done at his cost.
4. Both Parties shall sign HIPPA releases forthwith.
5. Defendant shall provide a list of 3-4 Outsource Evaluators to Atty Roberts within two (2) weeks.
6. Defendant shall request Plaintiff's VA medical records.
7. Parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor child, with exchanges every three (3) days beginning day with Plaintiff at 4:00 p.m. Exchanges shall be at the Family Court Marshall's Station during the week and Donna's House on Saturdays and Sundays. Parties will split the cost of Donna's House.
8. There is to be NO SMOKING around the minor child.
9. Parties shall communicate by e-mail on child issues only.
10. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at \$621.00 per month, with 1/2 due on the 15th and last day of each month by direct deposit into Defendant's bank account. January's payment is due by the last day of January.
11. CHILD SUPPORT ARREARES are DEFERRED.
12. Defendant provides health insurance for the minor child, with proof of the child's portion, within two (2) weeks, Plaintiff shall pay 1/2 of that cost.
13. Court shall obtain the doctor's reports from the Gambini case D260907, of which Defendant is a party to.
14. Plaintiff's Motion scheduled for March 8, 2011 is VACATED.
15. Return Hearing, Calendar Call and Trial dates SET.

Case Management Order SIGNED and FILED IN OPEN COURT.

Atty Roberts shall prepare the Order from today's hearing, Defendant to sign as to form and content.

3-9-2011 10:00 AM RETURN: ATI/POLYGRAPH

4-20-2011 10:00 AM CALENDAR CALL

PRINT DATE:	11/08/2011	Page 9 of 17	Minutes Date:	November 22, 2010
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6-16-2011 9:30 AM NON-JURY TRIAL #1

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: March 08, 2011 10:30 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Moss, Cheryl B
Courtroom 13*

*Canceled: April 20, 2011 10:00 AM Calendar Call
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: May 02, 2011 10:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: May 02, 2011 10:00 AM Case Management Conference
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 09, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

March 09, 2011 10:00 AM Return Hearing Return Hearing re:
ATI/Polygraph Test (1
Hour)

HEARD BY: Moss, Cheryl B COURTROOM: Courtroom 13

COURT CLERK: Valerie Riggs

PARTIES:

Caleb Haskins, Plaintiff, Counter Defendant, present	Amanda Roberts, Attorney, present
Lisa Myers, Defendant, Counter Claimant, present	Pro Se
Sydney Haskins, Subject Minor, not present	

JOURNAL ENTRIES

- COURT ORDERED, matter OFF CALENDAR pending the Appeal to the Supreme Court. All Orders remain in effect.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 20, 2011 10:00 AM Calendar Call
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: May 02, 2011 10:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: May 02, 2011 10:00 AM Case Management Conference
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 10, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
vs.
Lisa Myers, Defendant.

March 10, 2011 3:15 PM Minute Order

HEARD BY: Moss, Cheryl B COURTROOM: Courtroom 13

COURT CLERK:

PARTIES:

Caleb Haskins, Plaintiff, Counter Defendant, not present	Amanda Roberts, Attorney, not present
Lisa Myers, Defendant, Counter Claimant, not present	Pro Se
Sydney Haskins, Subject Minor, not present	

JOURNAL ENTRIES

- MINUTE ORDER OF RECUSAL:

On March 9, 2011, the undersigned Judge received an email that was posted by Plaintiff's counsel intended to serve as a legal question to the family law bar and requesting feedback.

While Plaintiff's counsel may have inadvertently not realized that the undersigned Judge is on the List Serve (managed by the State Bar of Nevada) to receive emails and postings from the family bar, Plaintiff's counsel named Judge Moss in the email and discussed specific items that clearly identified the case to this Judge.

Consequently, this appears to be an ex parte communication pursuant to the Judicial Code of

Conduct mandating disqualification pursuant to Rule 2.11(A), "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned[.]"

In addition, while the email posting could have been procedural in nature and not ex parte, the undersigned Judge still believes that she can no longer be impartial in this case.

Therefore, IT IS HEREBY ORDERED that the undersigned Judge recuses herself from Case Number D10- 434495-D, and this case shall be randomly reassigned.

IT IS FURTHER ORDERED that a copy of this Minute Order of Recusal shall be served on Plaintiff's counsel and Defendant In Proper Person.

SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 20, 2011 10:00 AM Calendar Call
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: May 02, 2011 10:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: May 02, 2011 10:00 AM Case Management Conference
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 01
Padilla, Michael A.
Duckworth, Bryce C.*

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 15, 2011

D-10-434495-D Caleb Obadiah Haskins, Plaintiff.
 vs.
 Lisa Myers, Defendant.

June 15, 2011 11:00 AM Motion

HEARD BY: Duckworth, Bryce C. **COURTROOM:** Courtroom 01

COURT CLERK: Michael A. Padilla

PARTIES:

Caleb Haskins, Plaintiff,	Amanda Roberts, Attorney,
Counter Defendant, present	present
Lisa Myers, Defendant,	Pro Se
Counter Claimant, present	
Sydney Haskins, Subject	
Minor, not present	

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR COURT TO AGREE TO HEAR THIS MATTER PURSUANT TO HUNEYCUTT; SOLE LEGAL CUSTODY, PRIMARY PHYSICAL CUSTODY, AN INDEPENDENT MEDICAL EVALUATION, THE ISSUANCE OF AN ORDER TO SHOW CAUSE AGAINST LISA, AND FOR ATTORNEY'S FEES AND COSTS; AFFIDAVIT OF CALEB HASKINS.

Matter heard simultaneously with case T-11-133627-T.

Ms. Roberts requested a closed hearing. COURT SO ORDERED. Court reviewed the matters at issue and noted there are a number of appeals which have been filed. Discussion by parties and counsel. MATTER TRAILED so Defendant could review medical records.

MATTER RECALLED. Defendant objected to the Court reviewing the medical records as she was not sure if the records were complete.

In the event the matter is REMANDED from the Supreme Court, the COURT would be INCLINED to ORDER the following:

1. The Court is INCLINED to Certify the Plaintiff's pursuit for an independent medical evaluation based on the allegations which have been raised in the pleadings. The medical evaluation would be conducted by any name on the provider list. Defendant is to cooperate with any appointments to facilitate the evaluation with Plaintiff providing Defendant with fifteen (15) days advanced notice. Notice of appointments may be mailed to 10779 Silver Lace Lane, Las Vegas, NV 89135.
2. The Court is INCLINED to allow the parties to pursue Discovery as it relates to medical records of the minor child.
3. The request for an Order to Show Cause for missed VISITATION time is DENIED as there was a Temporary Protection Order (TPO) filed by Defendant on behalf of the minor child which would have prohibited any VISITATION. The TPO has been DISSOLVED and as of now there is nothing to interfere with Judge Moss' Orders and the VISITATION should go forward and there should be an EXCHANGE today at 4:00 PM. The Court shall entertain make-up time for missed VISITATION pre-TPO if the matter is remanded by the Supreme Court.
4. In the event the schedule as Ordered by Judge Moss is not followed, this Court is INCLINED to make significant temporary changes to CUSTODY which may include TEMPORARY SOLE PHYSICAL CUSTODY of the minor child. This is only triggered if there is a violation to the Orders.
5. In the event either party interferes with the other party's JOINT LEGAL CUSTODY rights, the Court is INCLINED to make a modification to SOLE LEGAL CUSTODY. This is only triggered if there is a violation to the Orders. Parties are to notify each other of any medical appointments by way of email which is to include the name of the physician, date, time and location of the appointment.
6. The Court is NOT INCLINED to make any changes to the TEMPORARY JOINT LEGAL and TEMPORARY JOINT PHYSICAL CUSTODY Orders. Each party is entitled to know where the minor child is living.
7. By 5:00 PM today Defendant is to notify the Plaintiff with her address by way of email and Plaintiff is to notify the Defendant of the day care where the child is being cared for by way of email.
8. Parties are free to contact Child Protective Services (CPS) if either party believes the minor child is at risk. In the event CPS believes CHILD EXCHANGES should not take place there needs to be documentation provided to verify the recommendation or the Court will expect EXCHANGES to occur.

9. The Court is INCLINED it issue an Order for CPS to produce any and all records regarding any services and/or investigations provided by CPS. Those records (if they exist) would be made available to both parties for in camera review.

10. The CHILD EXCHANGES shall continue to occur at Donna's House at 4:00 PM pursuant to the schedule.

11. Any future request for a TPO should be heard by this Court.

Mr. Roberts is to prepare the Certification to the Supreme Court as to what this Court is Inclined to do.

INTERIM CONDITIONS:

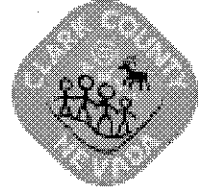
FUTURE HEARINGS:

*Canceled: June 16, 2011 9:30 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Moss, Cheryl B
Courtroom 13*

Canceled: June 28, 2011 10:00 AM Motion



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT



LISA MYERS
9360 W. FLAMINGO RD., NO. 110-326
LAS VEGAS, NV 89147

DATE: November 8, 2011
CASE: D434495

RE CASE: CALEB OBADIAH HASKINS vs. LISA MYERS

NOTICE OF APPEAL FILED: November 3, 2011

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

“The district court clerk must file appellant’s notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12.”

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CONFIDENTIAL CIVIL COVER SHEET; DISTRICT COURT MINUTES;
NOTICE OF DEFICIENCY

CALEB OBADIAH HASKINS,

Plaintiff(s),

vs.

LISA MYERS,


Defendant(s).

Case No: D434495
Dept No: Q

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 8 day of November 2011.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk