

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA MYERS,  
Appellant,  
vs.  
CALEB O. HASKINS,  
Respondent.

Supreme Court No. 59626  
District Court No. D434495  
Due Date: 12/19/2011

FILED

DEC 21 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

CIVIL PROPER PERSON APPEAL STATEMENT

Appellant in Proper Person  
Lisa Myers  
9360 W. Flamingo Rd.,  
No. 110-326  
Las Vegas, NV 89147

Attorneys For Respondent  
Amanda M. Roberts, Esq.  
2011 Pinto Lane, Suite 100  
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*Appellants:*  
Lisa Myers

*Respondents:*  
Caleb O. Haskins

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**Judgment or Order You Are Appealing.** List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
11/04/2011	NEOJ of Temporary Protection Order before Family Court Judge Duckworth in the D-case (D434495), Dept. Q.

**Notice of Appeal.** Give the date you filed your notice of appeal in the district court: Nov. 4, 2011 (heard in the D-case matter before Family Court Judge Duckworth, yet still went forth despite this matter being assigned to the TPO Court and despite the fact the D-case matter is on Appeal).

**Related Cases.** List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
57621, et al.	Myers v. Haskins	Supreme Court of Nevada

**Issues on Appeal.** Does your appeal concern any of the following issues? Check all that apply:

- divorce                       child custody/visitation                       child support  
 relocation                       termination of parental rights                       attorney fees  
 paternity                       marital settlement agreement                       division of property  
 adoption                       prenuptial agreement                       spousal support  
 other - briefly explain: Protection of the child and Appellant from the Respondent and Jurisdiction of the lower Court.

**Statement of Facts.** Explain the facts of your case. (Your answer must be provided in the space allowed.) At the June 13<sup>th</sup> TPO hearing for extension of the TPO, TPO Hearing Master Lynn Conant refused to hear this matter in her courtroom noting opposing counsel, Ms. Roberts engaged in ex-parte communication by contacting the department, not for a scheduling issue, but to specifically request the TPO matter be completely deferred to the D-case, in which she had a Motion hearing on calendar for June 15<sup>th</sup> on OST (of which I was again never properly served with the OST in the D-case or the Opposition/Counter-motion in the T-case and therefore, I was not given the appropriate time in which to prepare and file a response to either the Motion, nor the Opposition/Counter-motion under the rules). Further, Ms. Conant blatantly refused to allow Appellant to speak whatsoever despite the fact this was Appellant's Motion for Extension of the TPO. Ms. Conant also refused to allow Appellant's right of due process. Therefore, the issue of the extension on the TPO was deferred to the June 15<sup>th</sup> OST hearing (which Appellant had Appealed due to lack of jurisdiction, the fact Huneycutt is not applicable in this matter and the fact Ms. Roberts is barred by *McMonigle*, *Murphy*, res judicata and *La Forge* in that Ms. Roberts previously put forth her Motion and a decision was rendered January 19<sup>th</sup>). knowing the D-case matter is still currently on Appeal and under the jurisdiction of the Supreme Court of Nevada.

At this June 15<sup>th</sup> Motion hearing on for OST, Judge Duckworth rendered decisions, made Orders and basically refused to allow me to argue my matter, to include the TPO case. While he stated on record that he knew he didn't have jurisdiction to hear this matter as it is on Appeal, he said he would send correspondence to the Supreme Court proffering his opinions and requesting this Honorable Supreme 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.

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

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

Ms. Roberts attempted to put forth this Motion for change of custody, etcetera under the Huneycutt case, unfortunately as told to her previously, Huneycutt does not apply in this matter, as this matter in this entirety has been and is still currently on Appeal, under the jurisdiction of the Supreme Court. This Motion was originally calendared for June 28<sup>th</sup>, however, opposing counsel requested an OST and 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, opposing counsel, came to his property stating he was "Ordered to serve legal documents to Brent and Sharon Myers", of which they were involved in a lawsuit, with a note stating to serve Brent and Sharon Myers. The process server never asked for, nor mentioned this Appellant's name whatsoever. In looking at the OST in the D-case, which was signed by Judge Duckworth, it specifically Ordered the following, "...that Defendant Lisa Myers, shall be personally served at the residence of her parents, Brent and Sharon Myers, located at 9999 W. Katie Avenue, Las Vegas, Nevada 89147, which is the address where the Defendant was served at the commencement of this action." First, Appellant was never served at this location at any time and that was argued by my prior attorney when this matter first began when Ms. Roberts had filed the Complaint after her client was served with the TPO. Second, Appellant's parents do not reside at that address and the process server actually came to another address in search of my father to serve him directly and not me at all. Third, why isn't NRCPC Rule 4 being adhered to? Finally, why are Appellant's parents being served on my behalf and expected to act as liaisons or "servers" themselves in getting an OST passed along to me? Apparently, there is an underlying assumption that it is now Appellant's parents' responsibility to

make certain I am notified of the OST hearing. It is the burden of the opposing counsel/opposing party to serve their documents to the party of the case, as such they would've had ample opportunity in which to serve me with a copy of the OST at the TPO hearing scheduled just two days prior to said hearing (Monday, June 13<sup>th</sup>). Furthermore, along with the OST in the D-case matter, an Opposition/Counter-motion in the TPO matter was attached therewith for the hearing to extend the TPO, as well. While the Opposition/Counter-motion is untimely under the rules and the service of both the OST and Opposition are ultimately defective, it is more than likely the Court will again accept opposing counsel's habitual untimely filings, untimely and defective service of documents to me and will render a decision, while it be prejudicial and unlawful, in consideration of same.

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

This Appellant is again forced to file this Appeal on the NEOJ of TPO in the D-case, heard before Family Court Judge Duckworth as he lacked the jurisdiction to hear this matter. Further, Judge Duckworth would not allow argument for the extension of the TPO and instead threatened to award Respondent with Sole Legal/Physical Custody, allowed Ms. Roberts to yell, disparage, harass, threaten and call Appellant names, to include "murder"-er. Appellant and her child's civil rights were violated and Federal and State laws were not adhered to in any way in Judge Duckworth's courtroom by Judge Duckworth, Ms. Roberts, nor by the TPO court and TPO hearing master Lynn Conant. Ms. Roberts Motion, Opposition and the TPO should've never been heard before the lower court Judge Duckworth, as this matter in its entirety is currently and has been on Appeal with the Supreme Court, let alone a lower court Judge approving of an Order Shortening Time.

The TPO court should have heard the extension of the TPO, not deferred this matter to the D-case, especially due after Ms. Roberts having had ex-parte communication with them requesting the deferment and due to the fact the D-case lacks the jurisdiction. Again, it was a direct denial of Appellant and her minor child's rights, failed to protect Appellant's child's safety and prejudiced this matter. Additionally and most importantly, the extension of the TPO should have been granted to protect Appellant's subject minor from Respondent.

It is discerning to this Appellant as the lower court approved Appellant and on behalf of the subject minor, SYDNEY ROSE MYERS-HASKINS' TPO against the Respondent due to his actions and behavior (his abuse and neglect of the subject minor), which ultimately rendered the subject minor to be taken by

ambulance to Summerlin Hospital, be subjected to treatment in the Pediatric Emergency Room, placed on life-support, and admitted into the Pediatric Intensive Care Unit from May 4<sup>th</sup> through May 7<sup>th</sup>. The subject minor who has a history of RSV and now of being hospitalized with seizures on life-support. The subject minor has had URI, Gastrointestinal Virus, Vomiting, Diarrhea, Strep (Nasal - rare), Seizures, Fever, been on life-support, oxygen, testing, CAT scan, Lumbar Puncture, EEG, continuous weight loss, sleep deprivation, bruising, reaction to smoke inhalation, etc. since the Respondent began having contact with her January 19<sup>th</sup>, due to Judge Moss' Order, which is deemed "void" under the law.

Respondent began having contact with the subject minor as of January 19, 2011. See Court file, medical note from Dr. Leroy Bernstein and medical record of Summerlin Hospital (additional medical records will be supplemented to this pleading), whereby he noted that the subject minor is to remain in the custody of Appellant (mother) due to an illness contracted while under the care and custody of Respondent she had to treat and be medicated for. If the unsupervised contact with Respondent continues, the subject minor will continue to be ill in his care and custody due to his parental neglect and abuse. The subject minor, Sydney Rose was on life-support and was hospitalized, how much more must she endure to this "void" and prejudicial Order(s) of Judge Moss and the actions, decisions and Orders of Judge Duckworth before this Honorable Supreme Court interferes and supersedes 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 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, the subject minor and Appellant'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 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 of anything whatsoever, to include his blatant refusal to answer any questions regarding the minor child.

**Procedural History/Facts** - This January 19<sup>th</sup> hearing was to be a 16.2 Case Management Conference, although opposing counsel filed a Motion for custody at the last minute providing Appellant a copy 5 minutes prior to this 16.2 Conference. No OST was ever signed and filed or provided to Appellate, nor did opposing counsel Amanda Roberts ever provide Appellant the Motion 5 days prior to the hearing, nor was Appellant ever given 10 days in order to properly file an Opposition/Counter-motion. Despite these issues, the District Court - Family Division still allowed it to be heard and allowed Appellant's separate matter to be discussed, in depth, thereby Ordering Appellant to undergo a Psychological Evaluation. This Order for the Evaluation is based solely on the issues from the prior matter which are currently on Appeal. Interestingly to note, despite the fact Adverse Party has a conviction in the State of Colorado and that he has mainly resided in the Carson City area, the Court only Ordered a Scope for Clark County, Nevada. Importantly, Judge Moss admitted there was ex-parte communication between herself and opposing counsel, Amanda Roberts of Roberts Stoffel and therefore recused herself from this matter. Amanda Roberts even admitted to engaging in ex-parte communication with the Judge in order to make certain her last minute Motion was heard at our January 19<sup>th</sup> 16.2 hearing, despite the fact this Appellant was "served"

with a copy just minutes prior to the hearing. Ms. Roberts is apparently of the understanding the laws, rules and code of ethics as an attorney do not apply to her and she is of the impression and desperation that she will and must do anything possible to make certain she prevails in this matter to ensure she earns and receives attorneys fees. Specifically and most importantly due to the severity of the health and safety of the minor child, the Order of the January 19<sup>th</sup> hearing is deemed "void" as it was based on prejudice and illegal acts by both the Justice and opposing counsel.

Additionally, as a result of Judge Moss' acceptance of opposing counsel's Motion and her decisions/orders rendered as a result, the Court Ordered this Appellate to undergo a psychological evaluation based on a completely unrelated matter which is on Appeal (reference Supreme Court Case No. 56426) and specifically a 2003 report by an unqualified individual (per the State Psychological Board), John Paglini (who is part of nearly 249 Federal Lawsuits pending before the Federal Court, District of Nevada, ref. Case No. 2:10-CV-00528, et. al., to include and who bought his degree in psychology from an unaccredited on-line school which is no longer in business), and despite the acceptance of expert testimony and reports rebutting same. Judge Miley accepted the prior reports and testimony of the qualified individuals of Appellant, See Court file, to include transcripts of the April, 2007 Evidentiary hearing - Part One. Specifically, Dr. Lenkeit testified prior and found no mental illness of this Appellant and had concerns with regard to Appellant's former husband, Dr. Sohr found no mental illness in his evaluation of the Appellant, See 8/6/02 Order by Judge Gaston, Dr. Brown found no mental illness in his evaluation and testified to same on 8/15/03 (prior to the Order changing custody where the Trial was never concluded due to the Judge), Judy Jacobsen found no mental illness of Appellant in her evaluation and Dr. Towle found no mental illness of Appellant in his evaluation and testified to same on 4/10/07, as well. This Court and opposing counsel has not only forced Appellant to discuss in detail this completely unrelated matter which is on Appeal, but placed her in the position of defending herself in this matter. As a further result and despite the Behavioral Order, Adverse Party has slandered Appellant by calling her a sick person, not sane, mental ill, a psychopath, crazy, sicko and has continued to slander her at the downtown police station, at medical facilities, at the Court, to others, to her personally and her family, etc. in attempt to harass, threaten, defame her character and redirect the severity of his own personal mental and physical impairments, to include drug abuse, psychiatric treatments, refusal to take his bipolar medication, etc. (as per documentation and his own testimony as previously provided) he has away from him and onto Appellant. His attorney, Ms. Roberts is also guilty of this and knows how unethical and unlawful her actions are, as she is a licensed attorney.

I am perplexed as to why the laws, rules, procedures, to include SCR's and Federal Laws, and the sheer fact this matter is on Appeal is not being adhered to by these Court officials and attorneys, yet again. While I may have limited knowledge in the legal field, 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." and 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." Reference also 18 USC, with regard to the violence against women act and the Fourteenth Amendment to the United States Constitution with specific regard to the child abuse protection act. Since I am a pro per litigant, under FRCP 8, Supreme Court Rules and pursuant to *Haines v. Kerner*, 404 U.S. 519 (1972) and *Hall v. Bellmon*, 935 F. 2d 1106 (10<sup>th</sup> Cir.) (1991), a pro per litigant is not held to the same standard as an attorney or represented party and further the Courts are to render their decisions and orders on the merit of the pleadings and are given latitude as such. It is extremely frustrating that this Court has expected me to be held to a higher standard than these Court officials and attorneys, when I am a pro per litigant while allowing these officials to, again, do as they so choose.

If this Appeal is not granted, not only would it continue put the minor child in direct harm's way by allowing for no protection against the Respondent, but would ultimately subject the minor child to further abuse and neglect, illness, possible hospitalization, etcetera by the Respondent. The Respondent has mental and physical impairments<sup>2</sup>, parental neglect/abuse, conviction, extensive history of drug and alcohol abuse, anger problems, domestic abuse issues and his abandonment of the minor child who has a history of RSV, illnesses and loss of weight while in his care and custody, and most recently hospitalization with seizures, undiagnosed virus and life-support as a result of Respondent's parental abuse and neglect. When a child is malnourished, dehydrated and sleep deprived, there exists a failure to thrive for that child, the child's body can begin to have seizures. The Respondent continues to refuse to seek out the extensive medical and psychiatric intervention he is in need of and of which he has filed a VA Disability Claim for, See Court file. The lower court, Family Court Judges, continue to allow opposing counsel's unlawful and unethical behavior and actions, the prejudice of this and Appellant's other matters and for the acceptance and utilization of Appellant's other unrelated matters, which are still on Appeal.

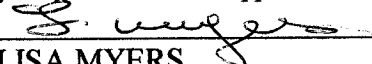
**Statement of District Court Error.** Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed). The Court erred by allowing opposing counsel to submit a Motion for change of custody, evaluation, etcetera for the second time, despite the fact she is barred by the Murphy/McMonigle, res judicata - LaForge (cannot again be re-litigated). The Court further erred by discussing, accepting, utilizing and forcing Appellant to defend herself with regard to her unrelated matter currently on Appeal. Further, the Court had no jurisdiction in which to hear this matter, let alone on order shortening time. What was the reasoning for the approval of the Order Shortening Time for Respondent's Motion when the same Court approved a Temporary Protective Order against Respondent and for the protection of Appellant and the subject minor? Further, the Order Shortening Time was never personally served to Appellant pursuant to the rules. Additionally, Appellant was never provided proper time in which to prepare and file an Opposition and Countermotion to the Motion prior to the hearing. \*Appellant reserves her right to supplement information as it becomes available or necessary.

### CERTIFICATE OF SERVICE

I certify that on the 19<sup>th</sup> day of December, 2011, 2011, I served a file-stamped copy of Appellant's **CIVIL PROPER PERSON APPEAL STATEMENT** - SUPREME COURT NO. 59626 by first class U.S. Mail with sufficient postage prepaid to the following address:

Amanda M. Roberts  
2011 Pinto Lane, Suite 100  
Las Vegas, Nevada 89106  
**Attorney for Plaintiff**

*\*To date, Ms. Roberts has not confirmed her representation of Respondent in this Appellant matter*

  
\_\_\_\_\_  
LISA MYERS  
9360 West Flamingo Road, No. 110-326  
Las Vegas, Nevada 89147  
**Appellant, in proper person**

<sup>2</sup>As evidenced by his and his own counsel's testimony and admissions in Court, January 1, 2011 and documentation, See Court file,