

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 CHRISTOPHER D. DAVIS,
3 Appellant,
4 v.
5 CAROLINE DAVIS,
6 Respondent.

Case No.: 68542
68948

Eighth Judicial District Court
Case No.: P-15-083867-F (In re the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000)
Electronically Filed
Dec 10 2015 01:50 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 **MOTION TO STAY BRIEFING PENDING SUPREME COURT’S**
9 **RULING ON MOTION FOR REMAND**

10 Caroline D. Davis (“Ms. Davis”), by and through her counsel, the law firm
11 of Solomon Dwiggin & Freer, Ltd., hereby files her Motion To Stay Briefing
12 Pending Supreme Court’s Ruling On Motion For Remand (the “Motion”). This
13 Motion is based upon the Memorandum Of Points And Authorities, all attached
14 exhibits, the pleadings and papers on file in Case Nos. #68542 and #68948, the
15 underlying case, and any oral argument that this honorable Court may entertain at
16 the time of hearing.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **A. Relevant Procedural Background.**

22 As this Court is aware, this matter involves a dispute concerning the
23 Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended on
24 February 24, 2014 (the “Trust”). On July 1, 2015, the Eight Judicial District
25 Court (the “DC”) entered an Order, *inter alia*, assuming jurisdiction over the
26 Trust as a “constructive trust” [*de facto trust*]; confirming Christopher D. Davis
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1 (“Christopher”) as Investment Trust Advisor; and compelling the immediate
2 disclosure of documents and information from Christopher in his role as
3 Investment Trust Advisor and Manager of FHT Holdings, LLC, a Nevada limited
4 liability company that is wholly owned by the Trust.
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6 On July 30, 2015, Christopher filed his Notice Of Appeal and Case Appeal
7 Statement (the “Appeal”). On October 19, 2015, Ms. Davis filed her Motion For
8 Remand To the Eighth Judicial District Court pursuant to Foster v. Dingwall, 228
9 P.3d 453 (Nev. 2010) (the “Motion For Remand”). Pursuant to this Court’s
10 Order filed on October 22, 2015, Ms. Davis filed her Supplement to the Motion
11 For Remand on October 29, 2015, including an e-filed Certification Of Intent To
12 Amend Order signed by Judge Gloria J. Sturman on October 14, 2015 (the
13 “Certification Of Intent”).¹ To date, this Court has not issued a ruling with
14 respect to the Motion For Remand.
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19 Christopher filed his Appellant’s Opening Brief on December 2, 2015 in
20 Case No. 68948. Pursuant to Nevada Rule of Appellate Procedure (“NRAP”)
21 31(a)(1)(B),² Ms. Davis’ Respondent’s Brief is due on January 1, 2016.
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27 ¹ The Certification Of Intent To Amend Order was electronically filed with the DC on October 23, 2015.

28 ² NRAP 31(a)(1)(B) provides that, in all appeals except child custody, visitation, or capital cases, the “respondent shall serve and file the answering brief within 30 days after the appellant’s brief is served.”

1 **B. Request To Stay Briefing Pending This Court's Ruling On The**
2 **Motion For Remand.**

3 If the Motion For Remand is granted, and the matter is sent back to the
4 DC, the relief sought in Christopher's Appellant's Opening Brief will be rendered
5 moot because, as provided in the Certification Of Intent, the DC would amend its
6 Order to assume jurisdiction over the Trust pursuant to NRS 164.010, as well as
7 grant any additional relief as the DC deems proper. Therefore, the DC's
8 amendment to its Order will change, modify, or otherwise affect the very issues
9 currently on appeal. As such, and in an effort to avoid inundating this Court with
10 additional and potentially unnecessary briefs, Ms. Davis respectfully requests that
11 this Court stay any further briefing by the Parties until a ruling has been made
12 with respect to the Motion For Remand. Ms. Davis additionally requests such
13 relief in an effort to avoid any unnecessary costs and expenses for all parties
14 involved in this matter, including preserving judicial time and resources that
15 would be required to review any additional briefs filed by the parties.
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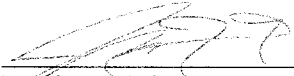
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C. Conclusion.

Based upon the foregoing, Ms. Davis respectfully requests that this Court stay any additional briefing until this Court has made a ruling regarding Ms. Davis' Motion For Remand.

DATED this 10th day of December, 2015.

SOLOMON DWIGGINS & FREER, LTD.



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