

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE BEATRICE
B. DAVIS FAMILY HERITAGE TRUST,
DATED JULY 28, 2000, AS AMENDED
ON FEBRUARY 24, 2014.

No. 68542

CHRISTOPHER D. DAVIS,
Appellant,

vs.

CAROLINE DAVIS; DUNHAM TRUST
COMPANY; STEPHEN K. LEHNARDT;
TARJA DAVIS; WINFIELD B. DAVIS;
ACE DAVIS; AND FHT HOLDINGS
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Respondents.

FILED

JAN 07 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

CHRISTOPHER D. DAVIS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
GLORIA STURMAN, DISTRICT
JUDGE,

Respondents,

and

CAROLINE DAVIS,
Real Party in Interest.

No. 68948

ORDER

On December 9, 2015, we entered an order that, among other things, granted the motion of respondent/real party in interest Caroline Davis for a remand pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010); specifically, we remanded this matter to the district court pursuant to its


certification that it was inclined to grant Caroline's motion to amend the order being challenged in these proceedings. We noted that our remand was for the limited purpose of allowing the district court to enter its amended order, and directed the district court to transmit a certified copy of that decision to this court, which it has done.

Appellant/petitioner Christopher Davis has now filed an "emergency" motion asking this court to vacate, strike, or set aside the district court's amended order; direct the district court to enter a "proper" amended order; and extend the time for Christopher to file his supplemental opening brief.¹ Christopher argues that the district court's order entered upon remand somehow diverges from its certification of its intent to amend the order and is improper because it includes "new" issues not present in the order that was originally challenged in these proceedings. Nothing in *Huneycutt*, *Foster*, or our order of remand commanded the district court to grant Caroline's motion or fashion its amended order in any particular way, and we therefore deny Christopher's motion. This denial is without prejudice to Christopher's ability to raise

¹Christopher's motion does not constitute an emergency under our rules. NRAP 27(e). While he references the requirement that an emergency is a matter requesting relief in less than 14 days, he states that his motion is an emergency because his supplemental brief is due *30 days* after the date his motion was filed. A motion for an extension of time to file a document does not constitute an emergency under any circumstances; further, requesting relief for an event scheduled to occur more than 14 days in the future is not an emergency. *Id.* Labeling a motion an "emergency" causes this court to reallocate its scarce resources from normal case processing, and we remind counsel to use the emergency motion provisions only when circumstances fit the definition set forth in NRAP 27(e).

his objections to the district court's order in his supplemental opening brief.

It is so ORDERED.



Saitta J.



Gibbons J.



Pickering J.

cc: Hon. Gloria Sturman, District Judge
Anthony L. Barney, Ltd.
Roland Law Firm
Ace Davis
Lee, Hernandez, Landrum, Garofalo
Clear Counsel Law Group
Solomon Dwiggins & Freer, Ltd.
Tarja Davis
Winfield B. Davis