

IN THE SUPREME COURT OF THE STATE OF NEVADA

David Harrison Degraw,

Petitioner,

vs.

The Eighth Judicial District Court
of the State of Nevada, in and for
the County of Clark, and
The Honorable Linda Marquis,
District Court Judge,

Respondents,

Misty Jo Degraw,

Real Party in Interest.

Electronically Filed
Jun 14 2017 08:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 18-00000
District Court No. D-16-543167-D

**REAL PARTY IN INTEREST MISTY JO DEGRAW'S MOTION TO LIFT
STAY**

COMES NOW Real Party In Interest, Misty Degraw, by and through her attorneys, Nedda Ghandi, Esq., and Brian E. Blackham, Esq., of GHANDI DEETER BLACKHAM, and respectfully moves this Court for the relief as stated herein.

Dated this 13th day of June, 2017.

GHANDI DEETER BLACKHAM

Brian E. Blackham, Esq.
Nevada Bar No. 9974
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Attorneys for Real Party in Interest

POINTS AND AUTHORITIES

The matter under review arises out of the marriage and current divorce proceedings of Petitioner David Degraw (David) and Real Party in Interest Misty Degraw (Misty). The parties were married on January 23, 2004, and have two minor children the issue of their marriage, to wit: Emma Jo Degraw, born August 31, 2005, and Adyson Mae Degraw, born August 6, 2008. The underlying District Court case was initiated by Misty's Complaint for Divorce, filed November 29, 2016. *PA: 1-6.*

On January 23, 2017, Misty filed a Motion for Temporary Orders requesting, among other things, joint legal and joint physical custody of the minor children. *PA: 22.*

On February 2, 2017, Keith Pickard, Esq., requested a stay of proceedings in the District Court pursuant to NRS 1.310 based on Mr. Pickard's participation in the Nevada State Assembly and the upcoming legislative session. *PA: 43.* Mr. Pickard specifically stated that the "2017 legislative session will commence on February 6th and is expected to adjourn sine die on June 6, 2017. *Id.* Attorney Pickard anticipates returning to Henderson, Nevada the following week." *Id.*

On February 16, 2017, Misty filed an Opposition to the Motion to Continue. *PA: 48-56.*

On February 27, 2017, Mr. Pickard filed an Ex Parte Application for an Order Shortening Time on the Motion to Continue/Stay (“Motion for OST”), seeking an expedited hearing on his Motion to Continue. *RA: 6-9.*

On March 2, 2017, the district court entered a minute order granting Mr. Pickard’s request for a stay in part, staying the majority of this case pending the legislative session and setting a brief evidentiary hearing regarding the merits of Misty’s Opposition to Mr. Pickard’s request to stay as it pertains to the temporary relief requested in Misty’s Motion. *PA: 57-62.*

On March 7, 2017, Mr. Pickard filed the Emergency Petition Under NRAP 21(6) for Writ of Mandamus And/Or Prohibition Staying District Court’s Order Requiring Evidentiary Hearing. That same day, this Court filed an Order Imposing a Temporary Stay and Directing Answer. The Order stayed the District Court proceedings until further Order of this Court.

On April 21, 2017, Misty filed her Answering Brief.

On May 12, 2017, Mr. Pickard filed his Reply to Misty’s Answer.

The 2017 legislative session did adjourn on June 6, 2017, and based on Mr. Pickard’s statement to the district court that he anticipates returning to Henderson, Nevada the following week, Misty requests that the stay issued by this Court on March 7, 2017 in District Court Case No. D-16-543167-D be lifted so that the district

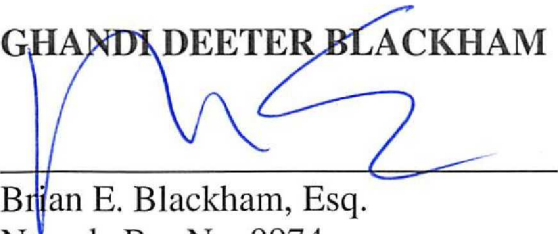
court proceedings, including Misty's request for temporary custody orders and related relief, may proceed.

CONCLUSION

Based upon the foregoing, Misty requests that this Court lift the stay imposed on March 7, 2017 so the district court proceedings may proceed.

Dated this 13th day of June, 2017.

GHANDI DEETER BLACKHAM



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CERTIFICATE OF SERVICE

The foregoing "Motion to Lift Stay" was served this date facsimile transmission and my mailing true and correct copies, via first class mail, postage prepaid and addressed as follows:

The Honorable Linda Marquis
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Dated this 13 day of June, 2017.



An Employee of Ghandi Deeter Blackham