

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP R.; AND REGINA R.,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CYNTHIA N. GIULIANI, DISTRICT  
JUDGE,

Respondents,  
and

STEPHANIE R.; JOEY R.; CLARK  
COUNTY DEPARTMENT OF FAMILY  
SERVICES; AND E.R., A MINOR,  
Real Parties in Interest.

No. 73198

**FILED**

JUL 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

IN THE MATTER OF: E. R., A MINOR.

No. 73272

CLARK COUNTY DEPARTMENT OF  
FAMILY SERVICES; AND CLARK  
COUNTY DISTRICT ATTORNEY'S  
OFFICE,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CYNTHIA N. GIULIANI, DISTRICT  
JUDGE,

Respondents,  
and

17-23397

PHILIP R.; REGINA R.; STEPHANIE R.;  
JOEY R.; AND E.R., A MINOR,  
Real Parties in Interest.

### *ORDER*

These original petitions for writs of mandamus challenge the same district court order directing the placement of the minor child with real parties in interest Stephanie R. and Joey R. Because these matters involve the same parties, arise from the same district court case, and challenge the same district court order, we consolidate these matters in the interest of judicial economy.<sup>1</sup> See NRAP 3(b).

Additionally, based on our review of the petitions and the supporting documents, we have determined that the minor child and Clark County Department of Family Services, which has legal custody of the minor child, should be listed as real parties in interest in Docket No. 73198.<sup>2</sup> Further, the minor child should be listed as a real party in interest in Docket No. 73272.<sup>3</sup> We direct the clerk of this court to amend the captions on this court's docket to conform to the captions on this order.

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<sup>1</sup>Petitioners in Docket No. 73198 failed to include the district court's written order in their appendix. Accordingly, Philip R. and Regina R. shall have 11 days from the date of this order to file and serve a copy of the district court's June 12, 2017, order as supplement to their appendix in Docket No. 73198.

<sup>2</sup>The certificate of mailing attached to the petition indicates that the petition was served on counsel for the minor child and the Clark County Department of Family Services.

<sup>3</sup>The certificate of mailing attached to the petition indicates that the petition was served on counsel for the minor child.

Petitioners in Docket No. 73272 have filed a motion to stay the district court's order pending this court's consideration of the petition in that matter. The subject minor's attorney has submitted an opposition to the motion.<sup>4</sup>

In determining whether to grant a stay in matters involving child custody, this court generally considers (1) whether the child will suffer hardship if the stay is either granted or denied, (2) whether the nonmoving party will suffer hardship if the stay is granted, (3) whether the movant is likely to prevail on the merits in the appeal, and (4) whether a determination of any other existing equitable considerations is warranted. NRAP 8(d). Having considered the motion and opposition thereto, we conclude that a stay is warranted, and we therefore grant the motion.<sup>5</sup> E.R. shall remain with Philip R. and Regina R. until further order of this court.

Having reviewed the petitions, it appears that answers would assist this court in resolving the issues presented. Real parties in interest Stephanie R., Joey R., and E.R., on behalf of respondents, shall have 30 days from the date of this order to file and serve answers, including authorities, against issuance of the requested writs.<sup>6</sup> As Philip R., Regina

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<sup>4</sup>Cause appearing, we grant the motion of the child's attorney to file an opposition and direct the clerk to file the opposition received June 29, 2017.

<sup>5</sup>Petitioners in Docket No. 73198 request, within their petition, a stay of the same district court order. In light of the stay granted herein, at this time, we take no action on the request for stay in Docket No. 73198.

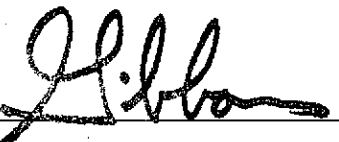
<sup>6</sup>Any or all of these parties may file a joint answer, and each may file a single answer addressing both writ petitions.

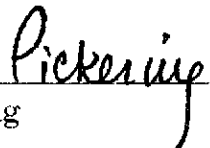
R., and Clark County Department of Family Services are petitioners in the other petition, they are not required to file an answer. All petitioners shall have 15 days from service of the last-filed answer to file and serve any reply. This matter shall be expedited to the extent allowed by this court's docket. For that reason, the deadlines established in this order shall not be extended, except upon application demonstrating a compelling reason for an extension.

We have also determined that transcripts of the district court's April 13, April 14, and May 23, 2017, hearings may assist this court in resolving the issues presented. Therefore, Clark County Department of Family Services shall supplement its appendix with those transcripts once the transcripts become available.<sup>7</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Cynthia N. Giuliani, District Judge  
Mills, Mills & Anderson

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<sup>7</sup>Because the transcripts will be available to Philip R. and Regina R. once Clark County Department of Family Services supplements its appendix, we deny as moot Philip and Regina R.'s request for an order directing the district court to make those transcripts available to them.

Ford & Friedman, LLC  
Legal Aid Center of Southern Nevada  
Clark County District Attorney/Juvenile Division  
Eighth District Court Clerk