

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN DANIEL ADRIANZEN,  
Appellant,  
vs.  
PAIGE ELIZABETH PETIT,  
Respondent.

No. 78966

**FILED**

JUL 29 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER GRANTING MOTION FOR LIMITED REMAND  
AND SUSPENDING BRIEFING SCHEDULE*

This is an appeal from a district court order denying a motion to modify child custody. Appellant has moved to remand this case to the district court for the limited purpose of allowing the court to decide a motion concerning which school the parties' child will attend during the upcoming school year. Attached to the motion is a July 19, 2019, district court order certifying, under NRCP 62.1, the district court's intent to decide the motion if this court grants the remand and tentatively setting an evidentiary hearing for August 5, 2019.

"[W]hen an appeal is perfected, the district court is divested of jurisdiction to revisit issues that are pending before this court, [but] the district court retains jurisdiction to enter orders on matters that are collateral to and independent from the appealed order, *i.e.*, matters that in no way affect the appeal's merits." *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006). NRCP 62.1 and NRAP 12A provide a procedure to follow when a party moves for relief that the district court lacks authority to grant due to a pending appeal: the district court may defer or deny the motion or may indicate that it is inclined to grant the motion or that the motion presents substantial issues.

Here, although the parties agreed that the legal custody issue raised by the school choice motion is collateral to the physical custody issues on appeal, the district court certified its intent to "hear this matter out of an abundance of caution." We construe the district court's certification as indicating that the school choice motion raises a substantial custody issue, the determination of which could potentially affect the custody issues on appeal. Given the imminent hearing on the school choice motion, we grant the motion for limited remand and hereby remand this matter for the limited purpose of deciding the school choice motion. As set forth in NRAP 12A, the parties must promptly notify this court when the district court has decided the motion; thus, appellant and respondent shall have 21 days from the August 5 hearing date to notify this court of the district court's decision on the school choice motion. In light of the limited remand, we suspend the fast-track briefing schedule in this appeal pending further order of this court.

It is so ORDERED.

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

Cadish, J.  
Cadish

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division  
McFarling Law Group  
The Grimes Law Office  
Eighth District Court Clerk