

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM DIMONACO,

Appellant,

vs.

ADRIANA FERRANDO,

Respondent.

No. 80576

Electronically Filed
Sep 10 2021 04:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT WILLIAM DIMONACO'S
LIMITED REMAND STATUS REPORT**

COMES NOW Appellant, WILLIAM DIMONACO (hereinafter "William"), by and through his attorneys of record, Matthew H. Friedman, Esq., and Christopher B. Phillips, Esq. of the law firm of Ford & Friedman and hereby submits the foregoing Status Report regarding this Court's December 10, 2020 Order of Limited Remand. The foregoing Status Report is submitted in accordance with NRAP 12A(b).

As previously explained in Appellant's previous Status Report, following this Court's December 10, 2020 Order of Limited Remand, the district court issued a minute order on December 15, 2020 setting the matter for an Evidentiary Hearing on May 11, 2021.

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Thereafter, the district court's minute order was reduced to writing in the form of an Evidentiary Hearing Management Order filed in the district court on December 16, 2020. Following issuance of the district court's Evidentiary Hearing Management Order, the matter was administratively reassigned from the Honorable Charles Hoskin (Department E) to the Honorable Amy Mastin (Department M).

Following the administrative reassignment, Department M moved the Evidentiary setting forward by one (1) day, to May 10, 2021, and set the matter for Pretrial Conference on April 14, 2021. At the time of the April 14, 2021 Pretrial Conference, the Evidentiary Hearing was continued, and the matter set for a Status Check on May 10, 2021. During the May 10, 2021 Status Check Hearing, the matter was set for Evidentiary proceedings on July 14, 2021 and a new Trial Management Order was issued.

On the eve of trial, the District Court issued a minute order finding that "the subject of the limited remand is...moot." As a result, the July 14, 2021 evidentiary hearing was vacated. Appellant filed a Motion for Reconsideration, as he believes the July 13, 2021 minute order to be improper.

On August 31, 2021, the district court (Judge Amy Mastin presiding) held a hearing on Appellant's Motion for Reconsideration. Judge Mastin explained that she understood that by the time Appellant's Emergency Motion was heard by Judge Hoskin, that the emergency had passed, and that Judge Hoskin's intent to conduct

evidentiary proceedings was so that the Court could address Appellant's request for a modification of custody.

Nonetheless, Judge Mastin went on to also say that upon review of the parties' pre-trial memorandums, she did not find any issues that warranted being addressed at an evidentiary proceeding prior to resolution of the pending appeal, even though this Court's Order of Limited Remand unambiguously stated that the matter was remanded to the district court "...for the limited purpose of deciding appellant's motion **and any related pending custody claims.**" Order of Limited Remand, December 10, 2020 (emphasis added). Accordingly, Judge Mastin denied Appellant's Motion for Reconsideration and has indicated that the district court will not conduct evidentiary proceedings at this time.

Finally, Appellant reports that as of the time of filing the instant Status Report, no minutes have been posted following the August 31, 2021 hearing, and the written order denying Appellant's Motion for Reconsideration is in the process of being prepared and circulated for signature.

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As such, Appellant is currently unable to provide this Court with any minute order or written order regarding the outcome of Appellant's Motion for Reconsideration as directed in this Court's August 13, 2021 Order.

Respectfully submitted this 10th day of September, 2021.

FORD & FRIEDMAN

/s/ Matthew H. Friedman

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CERTIFICATE OF ELECTRONIC SERVICE

I the undersigned hereby certify that on the 10th day of September, 2021, I served the above and foregoing **“Appellant William DiMonaco’s Limited Remand Status Report”** by serving the following registered users for service on the Court’s electronic filing and service program:

Michael P. Carman, Esq.
Attorney for Respondent

/s/ Kristi Faust

An employee of Ford & Friedman, LLC