

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DENNIS VINCENT STANTON,  
Appellant/Cross-Respondent,

vs.

TWYLA MARIE STANTON,  
Respondent/Cross-Appellant.

Nevada Supreme Court Case No: **80910**

Electronically Filed  
District Court Case No. **CV20092300** 3:51 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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**APPELLANT/CROSS-RESPONDENT DENNIS VINCENT STANTON'S  
OPENING BRIEF**

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DATED this 12th day of March 2021.

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## I. JURISDICTIONAL STATEMENT

This Court has jurisdiction pursuant to NRAP 3A(b)(1) because the Court Order entered by Fifth Judicial District Court of Nye County, Nevada (“District Court”) on February 28, 2020 (“Final Order”) is a final order that left nothing for the future consideration of the District Court.<sup>1</sup> JA000658-676, Vol. 4. Mr. Stanton timely filed his Notice of Appeal after the Final Order was entered on March 26, 2020 pursuant to NRAP 4(a)(1). JA000677-678, Vol. 4.

## II. ROUTING STATEMENT

Retention by Supreme Court is appropriate per NRAP 17(11) and (12) because this appeal raises the following questions of first impression with statewide public importance: (1) whether residents of different states may appear to set aside a joint petition for divorce as the purported temporary guardian of one party without registering for foreign guardianship over a Nevada resident in the state of Nevada; and (2) whether a district court may set aside a joint petition for divorce upon request from such non-parties even after the temporary foreign guardianship has been terminated at request of the party to the joint petition for divorce.

## III. ISSUES ON APPEAL

1. Did the District Court err in allowing nonparty residents of Arkansas to

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<sup>1</sup> The District Court entered its Order and Judgment on March 18, 2019 (“Subject Judgment”). JA000267-273, Vol. 2. The Notice of Entry of the Subject Judgment was filed on March 20, 2019. JA000274-282, Vol. 2. Mr. Stanton filed his Notice of Motion for Reconsideration (“Motion for Reconsideration”) pursuant to NRCP 59 on April 16, 2019, which tolled his time for appeal pursuant to NRAP 4(a)(4)(C). JA000533-534, Vol. 3. No notice of entry of the Final Order included in the record.

1 collaterally attack a Nevada divorce decree where the nonparties: (a) failed to  
2 register a foreign guardianship; and (b) failed to move for intervention?

3       2. Did the District Court violate the constitutionally protected rights of  
4 Nevada residents by allowing nonparty residents of Arkansas to interfere with the  
5 fundamental right to divorce of two Nevada residents and set aside a divorce decree  
6 entered pursuant to a joint petition for divorce?

7       3. Did the District Court abuse its discretion in awarding attorney's fees  
8 to nonparty residents of Arkansas where the non-parties failed to comply with the  
9 safe harbor provision of NRCP 11 and where the District Court: (a) failed to hold an  
10 evidentiary hearing, (b) lacked jurisdiction over the nonparties, and (c) failed to  
11 conduct a *Brunzell* analysis?

#### 12                               IV. STATEMENT OF THE CASE

13       Nevada residents Appellant/Cross-Respondent Dennis Vincent Stanton (“Mr.  
14 Stanton”) and Respondent/Cross-Appellant Twyla Marie Stanton (“Mrs. Stanton”  
15 and together with Mr. Stanton, the “Stantons”) are both appealing the District  
16 Court’s order that set aside the Stantons’ divorce decree and sanctioned Mr. Stanton  
17 pursuant to a motion filed by Mrs. Stanton’s stepfather, Robert Crawford, and  
18 natural mother, Carmen Crawford (together with Mr. Crawford, the “Crawfords”)  
19 who are residents of Arkansas.

#### 20                               V. STATEMENT OF RELEVANT FACTS

##### 21           A. The Stantons Amicably and Jointly Petitioned for Divorce

22       1. On May 17, 2018, the Stantons filed their Joint Petition for Summary  
23 Decree of Divorce with the District Court. JA000001-17, Vol. 1. The form used

1 was provided by the District Court for self-represented individuals. *Id.* As required,  
2 both of the Stantons submitted notarized verifications. JA000009-10, Vol. 1.

3 2. On June 05, 2018, the Stantons filed their Amended Joint Petition for  
4 Summary Decree of Divorce with the District Court (“Joint Petition”). JA000022-  
5 38, Vol. 1. The form used was provided by the District Court for self-represented  
6 individuals. *Id.* As required, both of the Stantons submitted notarized verifications.  
7 JA000030-31, Vol. 1.

8 3. On June 07, 2018, the Stantons’ New Decree of Divorce was granted  
9 and entered by the District Court (“Divorce Decree”). JA000039-62, Vol. 1. The  
10 Stantons again used the District Court’s form to submit the Divorce Decree, which  
11 included notarized signatures from both of the Stantons. JA000050, Vol. 1.

12 4. On July 5, 2018, Mrs. Stanton filed an *Ex Parte* Application to Seal  
13 File (“Sealing Application”). JA000067, Vol. 1.

14 5. On July 9, 2018, the District Court entered its Order Sealing File  
15 (“Sealing Order”). JA000068, Vol. 1.

16 **B. Mrs. Stanton’s Parents Improperly Interfered with the Stantons’**  
17 **Divorce Proceeding**

18 6. On October 26, 2018, the Crawfords obtained an order granting them  
19 temporary guardianship of Mrs. Stanton in Arkansas. JA000050 at n.1, Vol. 1.

20 7. On November 20, 2018, the Crawfords caused an *Ex Parte* Application  
21 to Unseal Court Records to be filed (“Ex Parte Unsealing”), purportedly on behalf  
22 of Mrs. Stanton. JA000069-73, Vol. 1. Attached to the *Ex Parte* Unsealing as  
23 Exhibit 1 was the Order Appointing Temporary Co-Guardians of the Person and  
Estate (“Arkansas Order”) from the Circuit Court of Faulkner County, Arkansas,

1 Probate Division 5<sup>th</sup> Division (“Arkansas Court”) in case number 23PR-18-640  
2 (“Arkansas Case”). JA000071-73, Vol. 1. However, the Ex Parte Unsealing made  
3 no showing that the Arkansas Order was registered in Nevada. *See id.*

4 8. On November 27, 2018, the Crawfords filed First Joint  
5 Petitioner/Plaintiff’s Motion Pursuant to Rule 60(b) to Set Aside Decree of Divorce  
6 as Fraudulently Obtained, to Dismiss the Joint Petition for Divorce with Prejudice,  
7 and to Sanction Defendant for Forum Shopping and Perpetrating a Fraud Upon the  
8 Court in the Full Amount of Plaintiff’s Fees and Costs (“Motion to Set Aside”).  
9 JA000074-167, Vol. 1. The primary arguments set forth in the Motion to Set Aside  
10 were that Mrs. Stanton lacked capacity to enter into the Joint Petition and that Mr.  
11 Stanton perpetrated a fraud upon the Court by including false information in the  
12 Joint Petition, omitting material information from the Joint Petition, and  
13 manipulating Mrs. Stanton into signing the Joint Petition. *Id.*

14 9. Footnote 2 of the Motion to Set Aside asserts that a Psychological  
15 Evaluation of Mrs. Stanton dated October 19, 2018 found Mrs. Stanton had an IQ  
16 of 69, but as discussed later, Mrs. Stanton challenged the Psychological Evaluation  
17 when challenging the Crawfords’ temporary guardianship because she was never  
18 evaluated for the Psychological Evaluation in person.<sup>2</sup> JA000075 at n.2, Vol. 1.

19 10. On November 28, 2018, the District Court entered its Order to Unseal  
20

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21  
22 <sup>2</sup> The purported Psychological Evaluation was “submitted to the [District] Cour for  
23 its *in camera* inspection,” and was not made part of the record below. JA000075 at  
n.2, Vol. 1. As a result, the Psychological Evaluation could not be included in the  
Joint Appendix. *See, e.g.*, JA000074-167, Vol. 1.

1 Court Record (“Unsealing Order”). JA000168, Vol. 1.

2 11. On December 13, 2018, Mr. Stanton filed an *Ex Parte* Motion for to  
3 [sic] Extend the Time Required to File a Written Response to this [sic] Motion in  
4 proper person (“Motion to Extend Time”), which sought additional time to retain  
5 counsel to oppose the Motion to Set Aside and explained, *inter alia*, that Mrs.  
6 Stanton had retained her own attorney and was disputing the Crawfords’ allegations  
7 of incapacity. JA000169-177, Vol. 1. Attached as Exhibit B to the Motion to Extend  
8 Time was a copy of Mrs. Stanton’s Response to Petitioner’s Petition for  
9 Appointment as Co-Guardians (“Objection to Guardianship”), which was filed in  
10 the Arkansas Case on December 6, 2018 by Mrs. Stanton’s attorney, Ron Goodman.  
11 JA000174-77, Vol. 1.

12 12. The Objection to Guardianship argued that Mrs. Stanton “had never  
13 met or been examined by Dr. Ann Prather” before the Crawfords instituted the  
14 Arkansas Case and that Mrs. Stanton disputed Dr. Prather’s findings. JA000174 at  
15 ¶ 5.

16 13. Mrs. Stanton requested to be examined by a physician of her choosing  
17 or in the alternative have the records of her long-standing physician Dr. Pamela  
18 Greenspun presented to the Arkansas Court. *Id.* at ¶ 6.

19 14. The Objection to Guardianship also argued that the Crawfords’ true  
20 motivation for seeking guardianship of Mrs. Stanton was to obtain funds on Mrs.  
21 Stanton’s behalf to convert for their use and benefit because they had loaned Mrs.  
22 Stanton a large sum of money to pay for previous divorce proceedings. JA000175  
23 at ¶ 8.

1           15.   Mrs. Stanton requested the Arkansas Court to deny the Crawfords’  
2   Petition for Guardianship and to continue the Arkansas Court’s hearing to allow  
3   Mrs. Stanton time to secure witness testimony and documents refuting the  
4   Crawfords’ allegations. *Id.* at ¶ 9.

5           16.   On December 14, 2018, the District Court apparently ignored Mrs.  
6   Stanton’s Objection to Guardianship and entered its Court Order denying the  
7   Motion to Extend on the grounds “the Court does not find that a continuance and  
8   time to respond is in good faith and reasonably necessary.” JA000178-79, Vol. 1.

9           17.   On December 14, 2018, the Stantons were remarried. JA000207-209,  
10   Vol. 1.

11          18.   On December 26, 2018, Mr. Stanton, through retained counsel, filed  
12   his Opposition to the Crawfords’ Motion to Set Aside (“Set Aside Opposition”) and  
13   Countermotion to Strike Movant’s Motion as Being Filed without Authority and in  
14   a Direct Conflict of Interest, and for Attorney’s Fees (“Countermotion”).  
15   JA000180-209, Vol. 1. The Set Aside Opposition argued numerous reasons why  
16   the Motion to Set Aside should be denied, including the Crawfords’ failure to  
17   register the Arkansas Order, the inability of third-parties to collaterally attack a  
18   valid divorce decree, Mrs. Stanton’s Objection to Guardianship, the Crawfords’  
19   lack of evidence to support their allegations of fraud, and the Stantons’  
20   reconciliation and remarriage. JA000180-187, Vol. 1. The Countermotion asked the  
21   District Court, *inter alia*, to strike the Crawfords’ Motion to Set Aside because the  
22   Crawfords were not proper parties. *Id.*

23          19.   On January 2, 2019, the Crawfords filed their Reply to Mr. Stanton’s

1 Set Aside Opposition and Opposition to Mr. Stanton’s Countermotion. JA000210-  
2 217, Vol. 1. Again, without supporting evidence, the Crawfords made salacious  
3 allegations against Mr. Stanton claiming that he was continuing to manipulate Mrs.  
4 Stanton. *Id.* The Crawfords also implied Mrs. Stanton’s Objection to Guardianship  
5 and the Stantons’ remarriage were somehow part of a devious plot Mr. Stanton had  
6 devised. *Id.*

7 20. On January 4, 2019, the Affidavit of Twyla M. Stanton in Regards to  
8 the Signing and Filing of the New Decree of Divorce and the Amended Joint  
9 Petition for Summary Decree of Divorce was filed with the District Court (“Mrs.  
10 Stanton’s Affidavit”). JA000218-220, Vol. 1. Mrs. Stanton’s Affidavit was signed  
11 on June 18, 2018 and explained, among other things, that she understood and agreed  
12 with the Stantons’ Joint Petition and the Divorce Decree.

13 **C. Without an Evidentiary Hearing or Supporting Evidence, the**  
14 **District Court Improperly Set Aside the Stantons’ Divorce Decree**  
**Based on Assumptions and Arguments**

15 21. On January 7, 2019, the District Court heard oral argument on the  
16 Crawfords’ Motion to Set Aside and Mr. Stanton’s Countermotion (“Non-  
17 Evidentiary Hearing”). JA000221-266, Vol. 2.

18 22. During the Non-Evidentiary Hearing, the District Court stated twice  
19 that it would need an evidentiary hearing to determine whether there was  
20 wrongdoing by the Stantons. JA000244:5-8, JA000250:11-13, Vol. 2.

21 23. The District Court commended Mr. Stanton’s counsel for raising the  
22 evidentiary issues as a defense to protect Mr. Stanton’s interests: “You’re noting  
23 the lack of evidentiary issues that haven’t been adjudicated in this court, perhaps

1 not in other courts....” JA000242:8-9, Vol. 2.

2 24. The District Court admittedly “**just assumed**, based on [Mrs.  
3 Stanton’s] limited mental capacity, that it would be easy for [Mr. Stanton] to  
4 manipulate her into a stipulation that he gets custody of the kids....” JA000232: 4-  
5 7, Vol. 2 (emphasis added).

6 25. While arguing that Mrs. Stanton lacked capacity to take care of herself,  
7 the Crawford’s attorney simultaneously argued that Mrs. Stanton “should probably  
8 be awarded custody despite her mental status.” JA000235:5-6, Vol. 2.

9 26. The District Court also made improper *ad hominem* remarks during  
10 the Non-Evidentiary Hearing, implying he was not a “normal citizen” and calling  
11 him “manipulative and Machiavellian.” JA000221 at ln. 23-24, Vol. 2. The District  
12 Court also made disparaging remarks about the Stantons’ church, stating “I’ve  
13 never heard of a church where it’s important that you get the custody and stuff....”  
14 JA000262:9-11, Vol. 2.

15 27. Finally, despite twice stating it would need an evidentiary hearing to  
16 determine whether there was wrongdoing by the Stantons and assuring Mr.  
17 Stanton’s attorney “that if there was a jury here, and there was an objection about  
18 speculation, I’d sustain it and so forth,” the District Court asked for an order to be  
19 prepared finding a Rule 11 violation with findings of fact and conclusions of law.  
20 JA000237:18-20, JA000250:22 to JA000251:13, Vol. 2.

21 28. On March 18, 2019, the District Court entered the Subject Judgment,  
22 which granted the Crawfords’ Motion to Set Aside, denied Mr. Stanton’s  
23 Countermotion, set aside the Stantons’ Divorce Decree, and awarded sanctions to

1 the Crawfords in the amount of \$3,000.00 “based upon a review of the record,  
2 arguments of counsel, and the totality of circumstances ([Non-Evidentiary  
3 Hearing])” finding the following as set forth in paragraph 10 of the Subject  
4 Judgment’s Conclusions of Law:

- 5 a. Dennis’ conduct was and is in direct violation of NRCP(b)(1) as  
6 the filings as previously described were filed for no reason other  
7 than to delay<sup>3</sup> and harass<sup>4</sup>, and needlessly increase the cost of  
8 litigation;<sup>5</sup> and  
9 b. In further violation of NRCP 11(b)(3) as Dennis has caused to  
10 make false representations of fact as to Twyla’s earnings in the  
11 Third Divorce Action and with this Court.

12 JA000267-273, Vol. 2.

13 29. Despite the fact that the District Court’s approved form for self-  
14 represented individuals to petition the District Court for a divorce does not request  
15 any information about previous litigation, the District Court also found that Mr.  
16 Stanton had perpetrated a fraud upon the District Court by failing to disclose  
17 Stantons’ following previous divorce proceedings in their Joint Petition: (a) Eighth  
18 Judicial District Court (“EJDC”) competing divorce complaints in consolidated  
19 case numbers D-16-540966-D and D-16-541006-D (collectively the “First Divorce  
20 Action”); (b) EJDC case number D-17-558626-S (the “Second Divorce Action”);

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21 <sup>3</sup> The Divorce Decree was entered two days after the Joint Petition was filed.  
22 JA000022-39, Vol. 1.

23 <sup>4</sup> The Subject Judgment does not specify who was harassed. JA000267-273, Vol. 2.

<sup>5</sup> The Subject Judgment does not specify how the cost of litigation were increased  
or how the Stantons could have obtained a divorce with less litigation costs.  
JA000267-273, Vol. 2.

1 and (c) EJDC case number D-18-568604-Z (the “Third Divorce Action”). *Id.*

2 30. The District Court also relied on a minute order from Judge Rena G.  
3 Hughes in the Second Divorce Action, which stated “the Court is aware that [Mrs.  
4 Stanton] has a diminished capacity and lacks the ability to comprehend legal  
5 documents or make judgments as to legal matters.” JA000281 at ¶ 10, Vol. 2.

6 **D. The District Court Disregarded the Evidence and Arguments**  
7 **that Warranted Reconsideration of the Subject Judgment**

8 31. On April 15, 2019, Mr. Stanton filed his Motion for Reconsideration,  
9 which asked the District Court to reconsider the Subject Judgment pursuant to  
10 NRCP 59. JA000283-315, Vol. 2. Numerous issues were raised in Mr. Stanton’s  
11 Motion for Reconsideration including the fact that the Crawfords’ attorney  
12 previously represented Mrs. Stanton in the First Divorce Action, wherein Mrs.  
13 Stanton filed a complaint for divorce against Mr. Stanton without raising any  
14 capacity issues and without the need of a guardian. *Id.*

15 32. Thirty-seven exhibits were attached in support of Mr. Stanton’s  
16 Motion for Reconsideration. JA000316-410, Vol. 2, JA000411-532, Vol. 3. Exhibit  
17 I to the Motion for Reconsideration was an Agreed Order from the Arkansas Court  
18 dated February 19, 2019, which stated the Arkansas Order that granted the  
19 Crawfords temporary guardianship of Mrs. Stanton had **expired by operation of**  
20 **law on January 24, 2019** and was thereafter “**held for naught**” (“Termination  
21 Order”).<sup>6</sup> JA000362-364 at ¶ 4, Vol. 2 (emphasis added). The Termination Order

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22  
23 <sup>6</sup> The Subject Judgment was entered on March 18, 2019, nearly two months after the  
Arkansas Order expired. JA000267-273, Vol. 2.

1 formally dismissed the Arkansas Case. *Id.* at ¶ 8.

2 33. On May 10, 2019, Mr. Stanton filed a Supplement to the Motion for  
3 Reconsideration (“First Supplement”). JA000535-550, Vol. 3.

4 34. On May 10, 2019, Mrs. Stanton filed a Notice of Non-Opposition to  
5 Mr. Stanton’s Motion for Reconsideration. JA000551-553, Vol. 3.

6 35. On June 10, 2019, Mr. Stanton filed a Reply to Mrs. Stanton’s Notice  
7 of Non-Opposition. JA000557-570, Vol. 3.

8 36. On June 10, 2019, a hearing was scheduled for Mr. Stanton’s Motion  
9 for Reconsideration (“Continued Hearing”). JA000571-582, Vol. 3. The hearing  
10 was ultimately continued because Mr. Stanton had filed a motion to disqualify the  
11 presiding judge. JA000576:17 to JA000580:23, Vol. 3.

12 37. On July 3, 2019, the Crawfords filed an Opposition to the Motion for  
13 Reconsideration **despite having no further claim to guardianship of Mrs.**  
14 **Stanton.** JA000583-625, Vol. 3.

15 38. On July 5, 2019, the Affidavit of Robert Crawford and Carmen  
16 Crawford were filed (“Crawford Affidavits”) to rebut the arguments Mr. Stanton  
17 raised in his Motion for Reconsideration **despite having no further claim to**  
18 **guardianship of Mrs. Stanton.** JA000626-629, Vol. 3.

19 39. On February 7, 2020, Mr. Stanton filed the Second Supplement to the  
20 Motion for Reconsideration (“Second Supplement”). JA000630-643, Vol. 4.

21 40. On February 10, 2020, the District Court heard oral argument on Mr.  
22 Stanton’s Motion for Reconsideration (“Reconsideration Hearing”). JA000644-657,  
23 Vol. 4. Mr. Crawford appeared at the hearing by telephone **despite having no**

1 further claim to guardianship of Mrs. Stanton. JA000645-646, Vol. 4. Mr.  
2 Stanton appeared at the hearing in person. *Id.* The District Court took the matter  
3 under advisement after oral argument without articulating any reasoning.  
4 JA000656:3-5, Vol. 4.

5 41. On February 28, 2020, the District Court entered its Final Order  
6 denying Mr. Stanton’s Motion for Reconsider. JA000658-676, Vol. 4. The District  
7 Court reasoned, *inter alia*, that: (a) the majority of Dennis’s argument could have  
8 been previously raised or presented; (b) the deficiencies of the Crawfords’  
9 guardianship procedure were “irrelevant”; and (c) the requested relief to reinstate  
10 the Stantons’ Joint Petition and Divorce Decree “is not appropriate as it would  
11 require the [District] Court to readopt and reorder the questionable findings for  
12 Twyla’s income and support obligations.” *Id.*

## 13 VI. SUMMARY OF ARGUMENT

14 “This is a most unusual case, one in which a person who was not a party to a  
15 divorce action was allowed to prosecute a [claim]...in the divorce action.” *See*  
16 *Pelletier v. Pelletier*, 103 Nev. 408, 409, 742 P.2d 1027, 1027 (1987). The Court’s  
17 opening line in the *Pelletier* decision succinctly describes the appeal presently before  
18 the Court.

19 The Stantons admittedly have a complicated marital history. However, they  
20 have a fundamental right to privacy, which includes their right to marry and divorce  
21 (and remarry). Their Divorce Decree never should have been set aside. It was a  
22 moot issue after they remarried. The Crawfords also had no right to interlope into  
23 the Stantons’ private divorce proceeding from Arkansas without following Nevada

1 law, unseal the Stantons' private divorce records, and set aside the Stantons'  
2 amicable divorce. Upon proof the Arkansas Order expired, there was absolutely no  
3 justification for the District Court to disregard the Stantons' desire to restore their  
4 Divorce Decree and vacate the award for sanctions against Mr. Stanton.

5 Mr. Stanton is asking this Court to: (1) reverse the moot and improper Subject  
6 Judgment; (2) vacate the award of sanctions against him; (3) restore the Divorce  
7 Decree so the Stantons have clarity that their second marriage on December 14, 2018  
8 was valid and is the effective date of their current marriage; and (4) strike the  
9 Crawfords' Motion to Set Aside as a rogue filing pursuant to Mr. Stanton's  
10 Countermotion. Reversal is warranted because the Subject Judgment violated Mr.  
11 Stanton's constitutional rights to divorce and due process, as well as Nevada's laws  
12 on divorce and civil procedure.

## 13 VII. ARGUMENT

### 14 A. The District Court abused its discretion in allowing the Crawfords 15 to appear in the Stantons' divorce proceeding without moving to intervene

16 A district court's decision to allow a non-party to intervene in a case is  
17 reviewed for an abuse of discretion. *See Hairr v. First Jud. Dist. Ct.*, 132 Nev. 180,  
18 187, 368 P.3d 1198, 1202 (2016). Non-parties are generally not permitted to  
19 prosecute claims without first moving to intervene in the case. *See* NRCP 24;  
20 *Pelletier*, 103 Nev. at 409, 742 P.2d at 1027 (finding that the mother to a party in a  
21 divorce action was "not eligible to file a counterclaim in a divorce action in which,  
22 obviously, she was not a party"). To properly intervene, a motion to intervene "must  
23 be served on the parties" and the motion "must state the grounds for intervention and

1 be accompanied by a pleading that sets out the claim or defense for which  
2 intervention is sought.” *See* NRCP 24(c).

3 Here, the District Court abused its discretion in allowing the Crawfords to  
4 appear in the Stantons’ divorce proceeding without first moving to intervene. The  
5 Crawfords’ first appearance in the Stantons’ divorce proceeding was filing the *Ex*  
6 *Parte* Unsealing (which the District Court shockingly granted without giving the  
7 Stantons an opportunity to protect their privacy). JA000071-73, Vol. 1.

8 **B. The District Court erred in allowing the Crawfords to appear in**  
9 **the Stantons’ divorce proceeding without registering their**  
10 **temporary foreign guardianship in Nevada**

11 “Standing is a question of law reviewed de novo.” *Arguello v. Sunset Station,*  
12 *Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011) (citation omitted). Likewise,  
13 questions of statutory interpretation are reviewed de novo. *See MEI-GSR Holdings,*  
14 *LLC v. Peppermill Casinos, Inc.*, 134 Nev. Adv. Op. 31, 416 P.3d 249, 253 (2018);  
15 *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 125 Nev. 449, 456, 215 P.3d 697,  
16 702 (2009). When interpreting a statute, if the statutory language is “facially clear,”  
17 this court must give that language its plain meaning. *Id.*

18 The guardianship statutes in Nevada are clear: district courts may only grant  
19 any relief available under the Uniform Adult Guardianship and Protective  
20 Proceedings Jurisdiction Act (NRS 159.1991 to 159.2029), and other Nevada law to  
21 enforce a foreign guardianship order if it has been properly registered in Nevada.  
22 *See* NEV. REV. STAT. §159.2027.

23 To properly register a foreign guardianship order in Nevada, the guardian  
appointed in the other state, after giving notice to the appointing court of an intent

1 to register and the reason for registration, must register the guardianship order in  
2 Nevada by filing as a foreign judgment in a Nevada court: (1) Certified copies of the  
3 foreign guardianship order and letters of office; and (2) a copy of the guardian's  
4 driver's license, passport, permanent resident card, tribal identification card or other  
5 valid photo identification card in a sealed envelope. *See* NEV. REV. STAT. §159.2025.  
6 Otherwise, to act as guardian for a protected person in Nevada, a person must apply  
7 for guardianship in Nevada. *See* NEV. REV. STAT. §159.0487 to §159.075; *see also*  
8 *In re Nickals' Estate*, 21 Nev. 462, 34 P. 250, 251 (1893) ("Except as a matter of  
9 comity, and to a very limited extent, guardians appointed in one state are not  
10 recognized as such, or as having any power or authority, in any other state.").

11 Here, the Crawfords somehow obtained temporary guardianship of Mrs.  
12 Stanton pursuant the Arkansas Order, which Mrs. Stanton challenged. JA000174-  
13 77, Vol. 1. However, the Crawfords never registered the Arkansas Order in Nevada.  
14 It was thus plain error for the District Court to allow the Crawfords to appear in the  
15 Stantons' divorce proceeding and set aside the Stantons' Divorce Decree. *Cf. Baker*  
16 *v. Baker*, 59 Nev. 163, 87 P.2d 800, 802, *modified on reh'g*, 59 Nev. 163, 96 P.2d  
17 200 (1939) (jurisdiction proper where Illinois conservator was not appointed by any  
18 Nevada court, but good cause existed for not seeking appointment in Nevada  
19 because the defendant (1) had no estate in Nevada: (2) was not domiciled in  
20 Nevada);<sup>7</sup> *see also* NEV. REV. STAT. §125.185.

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21  
22 <sup>7</sup> The Crawfords appearance is distinguishable from the conservator's appearance in  
23 *Baker* because Mrs. Stanton is a resident of Nevada, holds property in Nevada

1           **C.     The District Court erred in allowing the Crawfords to set aside**  
2           **the Stantons’ Divorce Decree**

3           Generally, a district court’s decision regarding a Rule 60 motion to set aside  
4 a judgment is reviewed for abuse of discretion. *NC–DSH, Inc. v. Garner*, 125 Nev.  
5 647, 657–58, 218 P.3d 853, 861 (2009); *Rogers v. Foster*, 281 P.3d 1214 (Nev.  
6 2009); *Cook v. Cook*, 112 Nev. 179, 181–82, 912 P.2d 264, 265 (1996). Orders  
7 regarding motions to alter or amend a judgment are also generally reviewed for abuse  
8 of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d  
9 1190, 1197 (2010).

10          However, “[t]his court applies a de novo standard of review to constitutional  
11 challenges.” *Callie v. Bowling*, 123 Nev. 181, 183, 160 P.3d 878, 879 (2007).  
12 Additionally, “deference is not owed to legal error...or to findings so conclusory  
13 they may mask legal error....” *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139,  
14 1142–43 (2015) (internal citations omitted); *see also State v. Dist. Ct. (Armstrong)*,  
15 127 Nev. 927, 932, 267 P.3d 777, 780 (2011) (“A manifest abuse of discretion is '[a]  
16 clearly erroneous interpretation of the law or a clearly erroneous application of a law  
17 or rule.’”) (quoting *Steward v. McDonald*, 330 Ark. 837, 958 S.W.2d 297, 300  
18 (1997)).

19          If an appeal follows the disposition of a motion to alter or amend a judgment,  
20 the ruling on the motion merges with the prior determination, so that the reviewing  
21

22 \_\_\_\_\_  
23 (jointly with Mr. Stanton), and the Crawfords were awarded sanctions personally  
rather than on behalf of Mrs. Stanton.

1 court takes up only one judgment, and the court thus addresses any attack on the  
2 ruling on the motion as part of its review of the underlying decision. *See Banister v.*  
3 *Davis*, 140 S. Ct. 1698, 1700, 207 L. Ed. 2d 58 (2020).

4 Moreover, although a judgment will generally not be disturbed when there is  
5 substantial evidence to sustain the judgment “there is an exception to the general  
6 rule to the effect that where, upon all the evidence, it is clear that a wrong conclusion  
7 has been reached, the judgment will be reversed.” *Consolazio v. Summerfield*, 54  
8 Nev. 176, 10 P.2d 629, 630 (1932).

9 **1. The Crawfords’ Motion to Set Aside should have been denied on**  
10 **procedural and substantive grounds**

11 It is clear that the District Court reached the wrong conclusion in setting aside  
12 the Stantons’ Divorce Decree. The Crawfords’ Motion to Set Aside should have  
13 been denied on procedural and substantive grounds.

14 **a. Procedurally the Crawfords lacked standing to attack the**  
15 **Stantons’ Divorce Decree**

16 “No divorce from the bonds of matrimony heretofore or hereafter granted by  
17 a court of competent jurisdiction of the State of Nevada, which divorce is valid and  
18 binding upon each of the parties thereto, may be contested or attacked by third  
19 persons not parties thereto.” NEV. REV. STAT. §125.185; *see also* NEV. REV. STAT.  
20 §125.130(2) (“Whenever a decree of divorce from the bonds of matrimony is granted  
21 in this State by a court of competent authority, the decree fully and completely  
22 dissolves the marriage contract as to both parties”).

1 Here, the Crawfords lacked standing to attack the Stantons' valid and binding  
2 Divorce Decree because: (1) the Crawfords were not parties to the Stantons' divorce  
3 proceeding; and (2) the Crawfords failed to register the Arkansas Order in Nevada.

4 The Stantons had properly obtained the Divorce Decree by properly filing  
5 their Joint Petition pursuant to Chapter 125 of the Nevada Revised Statutes,  
6 including NRS 125.181 (summary proceeding for divorce). JA000022-38, Vol. 1.  
7 Believing the Joint Petition was in the best interest of their children, the Stantons  
8 voluntarily entered into the equitable and mutual agreement for their Joint Petition  
9 settling all issues of spousal support, child support, child custody and visitation,  
10 medical insurance, the division and distribution of assets and debts.

11 The only way the Crawfords could conceivably have a right to attack the  
12 Stantons' Divorce Decree resulting from the Stantons' Joint Petition for Divorce  
13 would be to claim that they were acting as Mrs. Stanton's temporary guardians  
14 through the Arkansas Order. However, the Crawfords could not act as Mrs. Stanton's  
15 guardians in Nevada because they failed to register their Arkansas Order in Nevada.

16  
17 **b. Substantively, there was no justification for setting aside the  
Stantons' Divorce Decree**

18 There was also no justification for setting aside the Stantons' Divorce Decree.  
19 The Stantons used the District Court's approved form to file their Joint Petition,  
20 which was not deficient in any material effect. Despite the lack of any material  
21 deficiency in the Stantons' Joint Petition, the District Court set it aside primarily for  
22 two reasons: (1) the District Court took exception to the Joint Petition omitting the  
23 history of the Stantons' previous unsuccessful divorce proceedings; and (2) the

1 District Court believed the Crawfords unsupported claims that Mrs. Stanton lacked  
2 capacity to enter into the Joint Petition.

3 The District Court's approved form for "Joint Petition for Summary Decree  
4 of Divorce" did not include a section requesting the *pro se* applicants to discuss their  
5 previous litigation history. JA000022-38, Vol. 1. If such information had been  
6 requested by the approved form, the Stantons would have provided such information  
7 as they did in previous divorce proceedings. All of the blanks of the District Court's  
8 approved forms were filled in according to the District Court's own instructions. *Id.*

9 There was nothing nefarious about the Stantons' Joint Petition. Contrary to  
10 the District Court's findings, it was simply the most efficient and affordable method  
11 to dissolve their marriage after spending more than approximately \$65,000 in legal  
12 fees and costs across three separate divorce proceedings filed in Clark County,  
13 Nevada, all of which were dismissed without a divorce decree being entered.

14 Additionally, no admissible evidence was ever presented that Mrs. Stanton  
15 lacked capacity to enter into the Joint Petition. The District Court did nothing to  
16 inquire into Mrs. Stanton's capacity. JA000267-273, Vol. 2. Instead, it improperly  
17 accepted the Crawfords' allegations at face value without holding an evidentiary  
18 hearing to discover the truth. *Id.* The District Court also improperly relied on Judge  
19 Hughes' minute order from the Second Divorce Action. *See Rust v. Clark Cty. Sch.*  
20 *Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("The district court's oral  
21 pronouncement from the bench, the clerk's minute order, and even an unfiled written  
22 order are **ineffective for any purpose**") (emphasis added); *see also* JA000281 at ¶  
23 10, Vol. 2.

1 Mr. Stanton’s Motion for Reconsideration set forth evidence indicating Mrs.  
2 Stanton’s capacity, such as Mrs. Stanton’s retainer agreement with her Arkansas  
3 attorney, Mrs. Stanton’s Objection to Guardianship, and social media postings  
4 celebrating her divorce and freedom. JA000359-367, JA000406-407, Vol. 2. Mrs.  
5 Stanton is now represented by counsel independent of her parents and is also  
6 appealing the District Court’s decision to set aside the Divorce Decree. This is  
7 further evidence Mrs. Stanton signed the Joint Petition knowingly and voluntarily.

8 **2. Mr. Stanton’s Motion for Reconsideration should have been**  
9 **granted because he was denied procedural and substantive due**  
10 **process**

11 NRCP 59 allows judgments to be amended on numerous grounds materially  
12 affecting the substantial rights of the moving party, including “irregularity in the  
13 proceedings of the court, jury, master, or adverse party or in any order of the court  
14 or master, or any abuse of discretion by which either party was prevented from  
15 having a fair trial.” *See* NRCP 59(a)(1)(A). “On a motion for a new trial in an action  
16 tried without a jury, the court may open the judgment if one has been entered, take  
17 additional testimony, amend findings of fact and conclusions of law or make new  
18 findings and conclusions, and direct the entry of a new judgment.” NRCP 59(a)(2).

19 Nothing is more irregular or prejudicial than a court depriving an individual  
20 of property and liberty without a fair opportunity to present evidence to an impartial  
21 fact finder. *United States v. Throckmorton*, 98 U.S. 61, 65–66, 25 L. Ed. 93 (1878)  
22 (explaining that the lack of “a real contest in the trial or hearing of the case, are  
23 reasons for which a new suit may be sustained to set aside and annul the former  
judgment or decree, and open the case for a new and a fair hearing”); *see also, Exxon*

1 *Corp. v. Exxene Corp.*, 696 F.2d 544, 548 (7th Cir. 1982) (new trial warranted if a  
2 party is denied a fair hearing); *Virgin Islands Nat. Bank v. Tropical Ventures, Inc.*,  
3 9 V.I. 429, 433–34, 358 F. Supp. 1203, 1206 (D.V.I. 1973) (“Defects in due process  
4 are uniformly held to justify a new trial”) *Koufakis v. Carvel*, 425 F.2d 892 (2nd Cir.  
5 1970) (improper remarks of counsel); *Pollard v. Fennell*, 400 F.2d 421 (4th Cir.  
6 1968) (misconduct by trial judge); *Cherensky v. George Washington-East Motor*  
7 *Lodge*, 317 F.Supp. 1401 (E.D.Pa.1970) (jury verdict result of religious prejudice).

8 Due process is guaranteed by the Fourteenth Amendment of the United States  
9 Constitution and Article 1, Section 8(5) and Article 4, Section 21 of the Nevada  
10 Constitution. *See Rico v. Rodriguez*, 121 Nev. 695, 702–03, 120 P.3d 812, 817  
11 (2005). “In particular, the Fourteenth Amendment states that no State shall ‘deprive  
12 any person of life, liberty, or property, without due process of law....’” *Id.*

13 Embedded within the Fourteenth Amendment is a substantive component that  
14 “provides heightened protection against government interference with certain  
15 fundamental rights and liberty interests.” *Id.* at 704, 120 at 818 (quoting *Troxel v.*  
16 *Granville*, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000) (plurality  
17 opinion) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720, 117 S.Ct. 2258,  
18 138 L.Ed.2d 772 (1997))).

19 The right to divorce is a fundamental right that may not be restrained in  
20 violation of the Due Process Clause of the Fourteenth Amendment. *See Boddie v.*  
21 *Connecticut*, 401 U.S. 371, 382–83, 91 S. Ct. 780, 788–89, 28 L. Ed. 2d 113 (1971)  
22 (“a State may not, consistent with the obligations imposed on it by the Due Process  
23 Clause of the Fourteenth Amendment, pre-empt the right to dissolve this legal

1 relationship without affording all citizens access to the means it has prescribed for  
2 doing so”).

3 Procedural due process requires “notice reasonably calculated, under all the  
4 circumstances, to apprise interested parties of the pendency of the action and afford  
5 them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank &*  
6 *Tr. Co.*, 339 U.S. 306, 314, 70 S. Ct. 652, 657, 94 L. Ed. 865 (1950) (citations  
7 omitted). Substantive due process requires “the opportunity to be heard ’at a  
8 meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319,  
9 333, 96 S. Ct. 893, 902, 47 L. Ed. 2d 18 (1976) (citations omitted).

10 Here, the District Court erred in only considering subsections (a)(1)(D) and  
11 (a)(1)(G) of NRCP 59 as possible grounds for reconsidering the Subject Judgment.  
12 The District Court should have reconsidered the Subject Judgment pursuant to  
13 subsection (a)(1)(A) because the District Court denied Mr. Stanton’s fundamental  
14 right to divorce without affording Mr. Stanton procedural and substantive due  
15 process. The District Court never held an evidentiary hearing in this matter to  
16 determine any factual findings. JA000267-273, Vol. 2. The only hearing the District  
17 Court held before entering the Subject Judgment was the Non-Evidentiary Hearing  
18 on January 7, 2019.<sup>8</sup> JA000221-266, Vol. 2.

19  
20 \_\_\_\_\_  
21 <sup>8</sup> By that time, controversy regarding the Stanton’s Divorce Decree was moot as the  
22 Stantons had already remarried on December 14, 2018. JA000207-209, Vol. 1.  
23 Nevertheless, the District Court proceeded without proper jurisdiction and  
unnecessarily rendered the Stanton’s second marriage bigamous in nature by setting  
aside their Divorce Decree.

1 During the Non-Evidentiary Hearing, the District Court stated twice that it  
2 would need an evidentiary hearing to determine whether there was wrongdoing by  
3 the Stantons. JA000244:5-8, JA000250:11-13, Vol. 2. The District Court  
4 commended Mr. Stanton’s counsel for raising the evidentiary issues as a defense to  
5 protect Mr. Stanton’s interests: “You’re noting the lack of evidentiary issues that  
6 haven’t been adjudicated in this court, perhaps not in other courts....” JA000242:8-  
7 9, Vol. 2.

8 The District Court admittedly “**just assumed**, based on [Mrs. Stanton’s]  
9 limited mental capacity, that it would be easy for [Mr. Stanton] to manipulate her  
10 into a stipulation that he gets custody of the kids....” JA000232:4-7, Vol. 2  
11 (emphasis added). Despite twice stating it would need an evidentiary hearing to  
12 determine whether there was wrongdoing by the Stantons and assuring Mr. Stanton’s  
13 attorney “that if there was a jury here, and there was an objection about speculation,  
14 I’d sustain it and so forth,” the District Court asked the Crawfords’ counsel to  
15 prepare a proposed order finding a Rule 11 violation with findings of fact and  
16 conclusions of law. JA000237:18-20, JA000250:22 to JA000251:13, Vol. 2.

17 The failure to provide Mr. Stanton with adequate notice, hold an evidentiary  
18 hearing, make proper evidentiary findings of facts denied Mr. Stanton procedural  
19 and substantive due process. *See Manuela H. v. Eighth Jud. Dist. Ct.*, 132 Nev. Adv.  
20 Op. 1, 365 P.3d 497, 502 (2016) (“[w]ithout findings that provide a ‘factual  
21 basis...this Court cannot say with assurance’ whether the [district court’s] action  
22 steps were ordered ‘for appropriate legal reasons.’”) (citing *Davis*, 352 at 1139).

23

1       The District Court also should have reconsidered the Subject Judgment under  
2 subsections (a)(1)(D) of NRCP 59 based upon the new evidence of the Termination  
3 Order, which stated the Arkansas Order that granted the Crawfords temporary  
4 guardianship of Mrs. Stanton had **expired by operation of law on January 24, 2019**  
5 and was thereafter **“held for naught.”** JA000362-364 at ¶ 4, Vol. 2 (emphasis  
6 added). Despite this new evidence showing the Crawfords had absolutely no further  
7 claim to guardianship of Mrs. Stanton and Mrs. Stanton’s non-opposition to Mr.  
8 Stanton’s Motion for Reconsideration, the District Court continued to allow the  
9 Crawfords to oppose Mr. Stanton’s Motion for Reconsideration and ultimately  
10 denied Mr. Stanton’s Motion for Reconsideration in complete disregard of the errors  
11 and new evidence presented in the Motion for Reconsideration. JA000551-553,  
12 JA000583-625, JA000626-629, Vol. 3; JA000644-657, JA000658-676, Vol. 4.

13       As such, in addition to the District Court’s constitutional errors, it was an  
14 abuse of discretion for the District Court to set aside the Stantons’ Divorce Decree,  
15 which was entered pursuant to the Stantons’ Joint Petition, after the Stantons’  
16 remarried following entry of their Divorce Decree and after any power the District  
17 Court believed the Crawfords had to act on behalf of their adult daughter was  
18 absolutely extinguished upon the expiration of the Arkansas Order.

### 19       **3.     Public policy favors enforcement of the Stanton’s Divorce Decree**

20       “Nevada has a strong interest in protecting its valid divorce decrees.” *Vaile v.*  
21 *Eighth Jud. Dist. Ct. ex rel. Cty. of Clark*, 118 Nev. 262, 272, 44 P.3d 506, 513  
22 (2002). In *Vaile*, this Court refused to void a decree even though it was entered  
23

1 without jurisdiction over the parties primarily due public policy considerations,  
2 which the Court articulated as follows:

3 As a matter of policy, district courts should be very interested in  
4 ascertaining whether jurisdiction actually exists before granting the  
5 decree so that decrees are valid and enforceable and interested persons  
6 can rely on them. Other individual's rights and interests may be  
7 significantly affected when a divorce decree is granted but  
8 subsequently declared to be void.

9 \* \* \*

10 We realize that the posture of this case is unusual and unique since we  
11 are refusing to void a decree which was entered, as it turns out, by a  
12 court which had no jurisdiction over the parties.

13 *Id.* at 273-274, 44 at 513-514.

14 This Court previously declined to set aside a divorce decree primarily due to  
15 public policy concerns where doing so would create unnecessary confusion in the  
16 record and where both parties desired the decree to remain in effect. *Milender v.*  
17 *Marcum*, 110 Nev. 972, 976, 879 P.2d 748, 750–51 (1994). The Court's rational in  
18 *Milender* was further articulated as follows:

19 This court perceives no basis for a district court “undivorcing” parties  
20 under circumstances where both parties desire to remain divorced, and  
21 the only dispute relates to the division of property as provided in the  
22 challenged decree. Great mischief may occur where, absent  
23 considerations of fraud, a marriage has been “absolutely” dissolved, the  
parties restored to single status, and after many months of living as  
unmarried, single persons, the court enters an order “undivorcing”  
the divorced parties. Intervening relationships, legal and otherwise,  
could be adversely affected and complicated by the entry of such an  
order. Moreover, legal and equitable considerations aside, such a  
procedure invokes precious little support in reason or potential benefit.  
If the parties had desired to remarry, they could have done so with far  
less effort and expense by merely undergoing a simple ceremony. To  
attempt to “undo” an absolute divorce, by supplanting the  
original decree with a “superseding” order purporting to rescind the  
absolute divorce that both parties desired to remain in effect and

1       thus restore them to an unwanted married status creates confusion in  
2       the record and defies reason. The record reflects no allegations of fraud  
3       in obtaining the divorce, no lack of jurisdiction over the parties and  
4       their marital status, no pejorative grounds for the divorce (simply lack  
5       of compatibility), and no expression of intent by the parties other than  
6       that of a mutual desire to be divorced.

7       *Id.*

8       Nevada public policy also “favors fit parents entering agreements to resolve  
9       issues pertaining to their minor child's ‘custody, care, and visitation.’” *St. Mary v.*  
10      *Damon*, 129 Nev. 647, 658–59, 309 P.3d 1027, 1036 (2013) (quoting *Rennels v.*  
11      *Rennels*, 127 Nev. 564, 569, 257 P.3d 396, 399 (2011)); *see also Rivero v. Rivero*,  
12      125 Nev. 410, 429, 216 P.3d 213, 227 (2009) (“parties are free to agree to child  
13      custody arrangements and those agreements are enforceable if they are not  
14      unconscionable, illegal, or in violation of public policy”).

15      In the present appeal, different facts, but similar reasoning supports  
16      enforcement of the Stantons’ Divorce Decree. The Stantons filed a Joint Petition to  
17      obtain their Divorce Decree and now are both appealing the District Court’s order  
18      setting aside the Divorce Decree. While the Crawfords were improperly interfering  
19      in the Stantons’ divorce proceedings to improperly set aside the Divorce Decree, the  
20      Stantons reconciled and remarried. JA000022-38, Vol. 1; JA000677-681, Vol. 4.  
21      The Stantons are now in an unusual and precarious martial situation not knowing  
22      which of their marriages are valid, if either.

23      Setting aside the Divorce Decree after the Stantons had already remarried thus  
24      created unnecessary confusion in the record. For example, the sequence of events  
25      blurred the lines of whether the Stantons’ current community assets acquired began

1 17 years ago when they were first married or whether their community assets only  
2 date back to their second marriage. The best way to clarify the unnecessary  
3 confusion is to enforce the Stanton’s Divorce Decree, which would follow Nevada’s  
4 strong interest in protecting its valid divorce decrees.

5 **D. The District Court Abused its Discretion in Awarding Sanctions**  
6 **Against Mr. Stanton**

7 “On direct appeal, an award of attorney’s fees under NRCP 11 is reviewed  
8 under the abuse of discretion standard.” *Off. of Washoe Cty. Dist. Atty. v. Second*  
9 *Jud. Dist. Ct. ex rel. Cty. of Washoe*, 116 Nev. 629, 636, 5 P.3d 562, 566 (2000)  
10 (citation omitted). “However, where a district court exercises its discretion in clear  
11 disregard of the guiding legal principles, this action may constitute an abuse of  
12 discretion.” *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 995, 860 P.2d 720, 724  
13 (1993). “An abuse of discretion occurs if the district court’s decision is arbitrary or  
14 capricious or if it exceeds the bounds of law or reason.” *Jackson v. State*, 117 Nev.  
15 116, 120, 17 P.3d 998, 1000 (2001).

16 **1. Mr. Stanton was not afforded due process pursuant Rule 11**

17 When sanctions are sought by motion, as they were here, the motion must be  
18 made separately from other motions or requests. *See* NRCP 11(c)(2). The motion  
19 also cannot be filed or presented to the Court until 21 days after notice to the other  
20 party and failure to cure within those 21 days. *Id.* If, after notice, a reasonable  
21 opportunity to respond, and the court decides there has been a NRCP 11(b) violation,  
22 the court may impose an appropriate sanction. *See* NRCP 11(c)(1). The rule further  
23 allows sanctions upon the court’s own initiative after an order to show cause has

1 been issued detailing the violating conduct specifically. *See* NRCP 11(c)(3). The  
2 Nevada Supreme Court has repeatedly stated that it will not look beyond a rule's  
3 plain language when it is clear on its face. *See Zohar v. Zbiegien*, 130 Nev. 733, 737,  
4 334 P.3d 402, 405 (2014).

5 Here, Mr. Stanton was not afforded the proper opportunities to either cure,  
6 correct, or respond to the allegations of the Rule 11 violation and the request for  
7 Rule 11 Sanctions was not plead or made in a separate motion. Rather, it was  
8 sandwiched the middle of the Crawfords' Motion to Set Aside that was immediately  
9 filed with the District Court on November 27, 2018 and not presented to Mr. Stanton  
10 21 days before filing as required under NRCP 11(2). *See* JA000084:15 to  
11 JA000085:20, Vol. 1.

12 At the hearing the Mr. Stanton's attorney was asked to address the Rule 11  
13 sanctions the Crawfords requested, but Mr. Stanton's attorney had not seen the  
14 sanctions request and was not prepared to respond at the time. JA000243:19 to  
15 JA000245:13, Vol. 2. The District Court allowed only a brief recess (24 minutes)  
16 for Mr. Stanton's attorney to review the Crawfords' briefing, the law surrounding  
17 the issues, and the extensive history of the matter JA000245:14-17, Vol. 2. This did  
18 not provide Mr. Stanton's attorney with sufficient time to provide a complete  
19 response. *See Goldberg v. Kelly*, 397 U.S. 254, 267–68 (1970) (explaining that due  
20 process requires a hearing at a meaningful time and in a meaningful manner with  
21 sufficient notice that provides an effective opportunity to defend).

22 As discussed above, the District Court stated twice that it would need an  
23 evidentiary hearing to determine whether there was wrongdoing by the Stantons, but

1 failed to do so. JA000244:5-8, JA000250:11-13, Vol. 2, JA000250:22 to  
2 JA000251:13, Vol. 2. This complete lack of findings on the record, and lack of  
3 adequate notice through a separate pleading or order to show cause, does not support  
4 the sanctions imposed under Rule 11 and therefore should be stayed pending appeal.  
5 *See Manuela H.*, 365 at 502 (“[w]ithout findings that provide a ‘factual basis’ for the  
6 district court’s order, ‘this Court cannot say with assurance’ whether the action steps  
7 were ordered ‘for appropriate legal reasons.’”) (citing *Davis*, 352 at 1139).

8           **2. The District Court lacked jurisdiction to award sanctions to the**  
9           **Crawfords**

10           “A court does not have jurisdiction to enter judgment for or against one who  
11 is not a party to the action.” *Young v. Nevada Title Co.*, 103 Nev. 436, 442, 744 P.2d  
12 902, 905 (1987). As discussed above, the Crawfords were not proper parties to the  
13 Stantons’ divorce proceeding. Consequently, the District Court also lacked  
14 jurisdiction to award sanctions to the Crawfords.

15           **3. The District Court failed to consider the *Brunzell* factors**

16           When awarding of attorney fees, a district court must consider the following  
17 *Brunzell* factors: (1) the quality of the advocate; (2) the character and difficulty of  
18 the work performed; (3) the work performed by the attorney; and (4) the result  
19 obtained. In family law matters, the district court must also consider the disparity in  
20 the parties’ incomes when awarding attorney fees. *See Brunzell v. Golden Gate Nat’l*  
21 *Bank*, 85 Nev. 345, 455 P.2d 31 (1969). A district court must “demonstrate that it  
22 considered the required factors, and the award must be supported by substantial  
23 evidence.” *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

1 Here, the District Court did not demonstrate that it considered any of the  
2 required factors, and the award of attorney's fees for sanctions was not supported by  
3 substantial evidence. JA000267-273, Vol. 2. No evidentiary hearing was held and  
4 no evidence was submitted into the record. *Id.* The District Court did not make  
5 findings regarding any of the *Brunzell* factors or make any inquiry as to the parties'  
6 and nonparties' relative incomes or financial situations. *Id.*

## 7 **VIII. CONCLUSION**

8 Based upon the foregoing, Mr. Stanton respectfully requests this Court to: (1)  
9 reverse the moot and improper Subject Judgment; (2) vacate the award of sanctions  
10 against him; (3) restore the Divorce Decree so the Stantons have clarity that their  
11 second marriage on December 14, 2018 was valid and is the effective date of their  
12 current marriage; and (4) strike the Crawfords' Motion to Set Aside as a rogue filing  
13 pursuant to Mr. Stanton's Countermotion.

14 DATED this 12th day of March 2021.

15 HOLLEY DRIGGS

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2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 28.1(e)(1)–(2) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

[X] Does not exceed 30 pages.

[illegible]

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 12th day of March, 2021

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the law firm of Holley Driggs,  
3 and that on this 12th day of March, 2021, I served the above and foregoing  
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