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Attorneys for Appellants

Electronically Filed
Feb 26 2021 04:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

.*.

JUSTIN CRAIG BLOUNT; AND
STEPHANIE BLOUNT,
Appellants,

v.

PAULA BLOUNT,
Respondent.

) Supreme Court No.: 82095
) District Court Case No.: D605933
)

) **APPELLANTS' JOINT MOTION FOR**
) **EXTENSION OF TIME TO FILE**
) **DOCKETING STATEMENT**

I. GROUNDS FOR MOTION AND RELIEF SOUGHT

Appellant Justin Blount and Appellant Stephanie Blount ("Appellants"), by and through their counsel, file this Appellants' Joint Motion for Extension of Time to File Docketing Statement. This Motion is based on the Argument below.

The current deadline for the Docketing Statements for the Appellants was January 8, 2021. The Appellants seek an extension of time to file its docketing statement to March 1, 2021 due to inadvertent error.

II. ARGUMENT

Nevada Rules of Appellate Procedure Rule 14(d) allows a motion for an extension of time within which to file the docketing statement to be granted for good cause. Appellants' counsel has switched to more electronic communication between staff to promote safety

1 during this global pandemic and following federal safety protocols. Appellants' counsel
2 prepared the docketing statement on December 15th, 2021, which was before the deadline to
3 file it. An inadvertent error arose when the docketing statement was forwarded between staff
4 and got lost in the electronic mail and was never filed. Appellants' counsel thought it was
5 filed on December 15th and continued to file within this Court the Appeal Statement on
6 January 4th, 2021 and Request of Transcript Proceedings on January 21, 2021. Once this
7 error was recognized, Appellant's counsel had tried to file the docketing statement on
8 February 25th, 2021 but was rejected for failure to provide a motion to extend time along with
9 it.
10

11 The opposing party has not been injured by this inadvertent error since they have
12 received Notice of Appeal and the Appeal Statement, which contain similar information that
13 is found in the docketing statement to help them prepare for the case.
14

15 This inadvertent error is good cause to extend the time to file the docketing statement
16 since this failure to file would not have happened but for the Appellants' Counsels attempts
17 to follow safety measures to keep its office safe from COVID by having electronic office
18 communication instead of physical communication.
19

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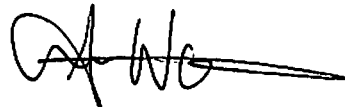
28

III. CONCLUSION

According, based on the foregoing arguments, the Appellants respectfully request this Court to GRANT this motion, providing an extension to file the docketing statement to extend to March 1, 2021.

DATED this 26th day of February, 2021

ALVERSON TAYLOR & SANDERS



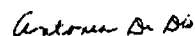
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efile@alversontaylor.com
(702) 384-7000
Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on the 26th day of February 2021. I served a copy of this completed docketing statement upon all counsel of record:

By mailing it by first class mail with sufficient postage prepaid to the following address:

Trevor M. Creel, Esq.
Willick Law Group
3591 E. Bonanza Rd., Ste. 200
Las Vegas, NV 89110-2101
Ph. (702) 438-4100
e-mail: trevor@willicklawgroup.com



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SANDERS

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9 efile@alversontaylor.com
10 (702) 384-7000
11 *Attorneys for Appellants*

12 IN THE SUPREME COURT OF THE STATE OF NEVADA
13 -*-
14

15 JUSTIN CRAIG BLOUNT; AND) Supreme Court No.: 82095
16 STEPHANIE BLOUNT,) District Court Case No.: D605933
17 Appellants,)
18 v.) **APPELLANTS' JOINT**
19) **DOCKET STATEMENT CIVIL APPEALS**
20)
21 PAULA BLOUNT,)
22 Respondent.)
23)
24)
25)
26)
27)
28)

1. Judicial District Court Family Division, Department J

County of Clark, Judge Rena G. Hughes

District Ct. Case No. D-20-605933-F

2. Attorney filing this docketing statement:

Attorney: Trevor Waite Telephone: (702) 384-7000

Firm: Alverson Taylor & Sanders
6605 Grand Montecito Parkway, Suite 200
Las Vegas, Nevada 89149

Clients: Justin and Stephanie Blount

///

///

///

3. Attorney representing respondent:

Attorney: Trevor M. Creel, Esq. Telephone: (702) 438-4100

Firm: Willick Law Group
3591 E. Bonanza Rd., Ste. 200
Las Vegas, NV 89110-2101

Client: Paula Blount

4. Nature of Disposition below:

Other disposition (Specify): Registered Foreign Custody Order

5. This appeal raises issues concerning child custody.

6. There are no pending and prior proceedings in this court.

7. There are no pending and prior proceedings in other courts.

8. Nature of the action:

The family district court proceeding was an action from the Grandmother to obtain joint custody over the minor children, Jeremiah and Kaydi Blount, by registration of foreign custody orders from the Tribal Courts of Hualapai Tribe, Peach Springs, State of Arizona. The order appealed from is the Order dated December 10, 2020 giving full faith and credit to the order from the Tribal Courts of Hualapai Tribe, Peach Springs, State of Arizona, dated January 30, 2020, which gave joint custody of the children to the Grandmother.

9. Issues on appeal:

The District Court Judge abused her discretion when she failed to follow NRS 125A.465(6), which states, "the court shall confirm the registered order unless the person contesting registration establishes that: (a) The issuing court did not have jurisdiction pursuant to NRS 125A.305 to 125A.395, inclusive; (b) The child custody determination sought to be registered has been vacated, stayed or modified by a court

1 having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive; or (c)
2 The person contesting registration was entitled to notice, but notice was not given in
3 accordance with the standards of NRS 125A.255, in the proceedings before the court
4 that issued the order for which registration is sought.”
5

6 Appellants did establish that the Tribal Court of the Hualapai Tribe did not have
7 jurisdiction since the tribe decided not to object to the adoption proceedings of the
8 children in the state of Nevada, therefore forfeiting exclusive jurisdiction over the
9 custody of the Blount children. Alternatively, the Appellants established that the
10 custody order being registered has already been modified by the Hualapai Tribal
11 Courts on May 13, 2020, to include shared custody between Grandparents. This
12 modification would be sufficient for the judge not to grant the registration of the
13 January 30, 2020, foreign custody order. Also, Appellants have established that they
14 were not properly given notice of the proceedings of this foreign custody order by
15 showing the notice of hearing given to Trevor Waite, who was not representing the
16 appellants at that time, was for a case called Waite vs. Blount. Nor was Stephanie
17 Blount ever added as a party of interest to the proceedings in the tribal court. This
18 evidence is enough to deny the registration of the foreign custody order since neither
19 Appellants were properly notified of the custody order proceeding.
20

21
22 The District Court Judge abused her discretion when she failed to consider the
23 best interest of the children when determining her order. No where in the order does it
24 show the judge looked at the best interest of the children when deciding if the
25 registration of the foreign custody order should be granted.
26

27 10. We are unaware of any pending proceedings in this court raising the same or similar
28 issues.

11. This appeal does not challenge the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof.
12. This appeal does not involve any other issues.
13. This matter is presumptively assigned to the Court of Appeals under NRAP 17(10).
14. This action did not proceed to trial.
15. We do not intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal.

TIMELINESS OF NOTICE OF APPEAL

16. The basis for seeking appellate review is the Order from December 10, 2020. The Order granted the registration of the foreign custody order from the Tribal Courts of the Hualapai Tribe. Since the Order was filed before the hearing on the merits of this case, the premature notices of appeal, dated November 9th and 13th, 2020, are considered filed on the date of and after entry of the order. *See Nev. R. App. P. 4(6)*.
17. Date written notice of entry of judgment or order was served is December 15th, 2020 by mail/electronic/fax.
18. The time for filing the notice of appeal was not tolled by a post-judgment motion.
19. November 9, 2020 is the date of notice of appeal filed for Justin Blount. November 13, 2020 is the date of notice of appeal filed for Stephanie Blount.
20. NRAP 4(a) governs the time limit for filing the notice of appeal.

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:
 - (a) NRS 703.376.
 - (b) NRS 703.376 provides a basis for appeal from the order since this is a civil

case in district court order from the state of Nevada and under NRS Const. Art. 6, § 4, The Supreme Court and court of appeals have appellate jurisdiction in all civil cases arising in district courts.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Justin Blount, Stephanie Blount, Jeremiah Blount, Kaydi Blount, Gretchen Whatoname, and Paula Blount.

(b) Jeremiah Blount and Kaydi Blount are not parties to this appeal since they are only the Subject Minor in the district court case. Gretchen Whatoname is deceased and was only a Respondent (Participant).

23. The only claim is Paula Blount's Registration of Foreign Custody Order, dated March 18, 2020.

24. The order appealed from adjudicates ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below.

25. N/A

26. N/A

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Order of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, and even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order.

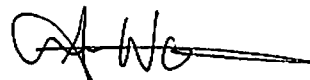
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Justin Blount
Name of appellant

Trevor Waite
Name of counsel of record

Stephanie Blount
Name of appellant



Signature of counsel of record

December 15, 2021
Date

Nevada, Clark County
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 25th day of February, 2021. I served a copy of this completed docketing statement upon all counsel of record:

By mailing it by first class mail with sufficient postage prepaid to the following address:

Trevor M. Creel, Esq.
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(702) 384-7000
Attorneys for Father/Respondent
Adoptive Mother/Respondent

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

.*.

IN RE THE CUSTODY VISITATION OF)
JEREMIAH BLOUNT (DOB 1-19-2010);)
KAYDI BLOUNT (DOB 2-19-2013)
CASE NO.: D-20-605933-F
Minor Children) DEPT. NO.: F
PAULA BLOUNT)
Grandmother/Petitioner,)
v.)
JUSTIN BLOUNT,)
GRETCHEN WHATONAME,)
Father/Respondent.)
v.)
STEPHANIE BLOUNT,)
Adoptive Mother/Respondent)

On March 18, 2020 Petitioner PAULA BLOUNT, by and through her undersigned counsel of record, filed her Registration of Foreign Custody Orders. Opposition to the Registration of Foreign Custody Order were by Father and Adoptive Mother, both Respondents to the case. Father's Opposition to the registration was filed on April 30, 2020 and a motion to

1 invalidate the Foreign Custody Order was on August 10, 2020. This Court, having reviewed and
2 examined the papers and pleadings on file herein, and good cause appearing, hereby enters the
3 following Findings of Fact and Order as follows:

4 **THE COURT FINDS:**

5 1. This Court had a hearing on this matter on October 20, 2020 where this Court
6 heard argument and took the matter under advisement.

7 2. That the grandmother, Pamela Blount domesticated a Foreign Judgment on March
8 18, 2020 with this Court. Petitioner is seeking full faith and credit from the Grandparent Custody
9 and Visitation Order filed on January 20, 2020 from the Tribal Courts of Hualapai Tribe, Peach
10 Springs, State of Arizona.

11 3. The Respondent father objects to the requests.

12 4. Several filings were made on the issues that the court has read in conjunction with
13 the related cases in this matter.

14 5. Throughout this action the parties have cited to ICWA, The Indian Child Welfare
15 Act.

16 6. This is not an ICWA issue because this is not the type of proceeding governed by
17 ICWA.

18 7. 25 U.S.C sect 1911(1) (2012) vests tribes with exclusive jurisdiction over Indian
19 child custody proceedings in certain situations.

20 8. 25 U.S.C sect 1903 (1) (2012) lists the child custody proceedings that fall under
21 ICWA.

22 9. The related case, D-18-571209-O, went through appellate review and the
23 Supreme Court of Nevada has weighed in on this case.

24 10. That decision was filed on September 16, 2019.

1 11. The Supreme court found that the UCCJEA was applicable in grandparent
2 visitation cases. The decision goes on to read that the Tribal Court never relinquished
3 jurisdiction over custody. Therefore, the tribal court still has exclusive continuing jurisdiction in
4 this case.

5
6 12. While this Court did grant a stepparent adoption in 2019, that proceeding did not
7 divest the tribal court of UCCJEA jurisdiction over these children.

8 13. UCCJEA proceedings were never held and the Tribal Courts of Hualapai Tribe,
9 Peach Springs, State of Arizona never relinquished jurisdiction to this court.

10 14. Therefore this COURT FINDS that the Tribal Courts of Hualapai Tribe, Peach
11 Springs, State of Arizona still has continuing exclusive jurisdiction in this case and the
12 grandmother, Pamela Blount domesticated a Foreign Judgment on March 18, 2020 with this
13 Court wherein she asks for full faith and credit.

14
15 15. Petitioner properly lodged her request for grandparent visitation prior to the
16 execution of the Decree of adoption when she commenced case D-18-571209-O, pursuant to
17 *Bopp v Lino* 110 Nev. 1246 (1994).

18 16. The father's opposition notes several defects about the tribal proceedings and asks
19 this court to invalidate the Tribal Court's orders. However, those defects are not for this court to
20 weigh in on and the father may consider appealing the Court's decision.

21
22 Based on the above, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
23 orders from the Tribal Courts of Hualapai Tribe, Peach Springs, State of Arizona shall be given
24 full faith and credit.


1 ///

2 **IT IS FURTHER ORDERED** that both sides shall bear their own fees and costs.

3 **IT IS SO ORDERED.**

4 DATED this _____ day of _____, 2020.

Dated this 10th day of December, 2020

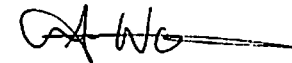


DISTRICT COURT JUDGE

8 Submitted by:

9 ALVERSON TAYLOR & SANDERS

E38 66A 75C9 3B0D
Rena G. Hughes
District Court Judge

10 

11 KURT R. BONDS, ESQ.

12 Nevada Bar #6228

13 TREVOR R. WAITE, ESQ.

14 Nevada Bar #13779

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Attorneys for Father/Respondent

Adoptive Mother/Respondent

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Paula Blount, Plaintiff.

CASE NO: D-20-605933-F

7 vs.

DEPT. NO. Department J

8 Justin Blount, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/10/2020

15 Trevor Creel

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16 Marshal Willick

marshal@willicklawgroup.com

17 Reception Reception

email@willicklawgroup.com

18 Victoria Javiel

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19 Copy Room

efile@alversontaylor.com

20 Trevor Waite

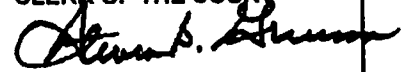
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21 Kurt Bonds

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22 Justin Blount

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Attorneys for Justin and Stephanie Blount

DISTRICT COURT
CLARK COUNTY, NEVADA

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IN RE THE CUSTODY VISITATION OF)
JEREMIAH BLOUNT (DOB 1-19-2010);)
KAYDI BLOUNT (DOB 2-19-2013)

Minor Children

CASE NO.: D-20-605933-F
DEPT. NO.: J

PAULA BLOUNT

Grandmother/Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Father/Respondent.

v.

STEPHANIE BLOUNT,

Adoptive Mother/Respondent

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Registration of Foreign Custody Orders was filed in the

///

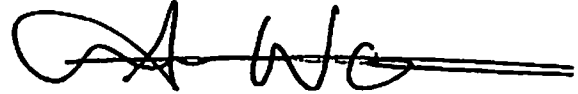
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above Court on December 10, 2020 a copy of same is attached hereto.

DATED this 14th day of December, 2020.

ALVERSON TAYLOR & SANDERS



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Nevada Bar #6228

TREVOR R. WAITE, ESQ.

Nevada Bar #13779

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Las Vegas, Nevada 89149

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efile@alversontaylor.com

Attorneys for Justin and Stephanie Blount

CERTIFICATE OF SERVICE VIA CM/ECF

I hereby certify that on this 14th day of December, 2020, I did serve, via Case Management/Electronic Case Filing, a copy of the above NOTICE OF ENTRY OF ORDER addressed to:

Trevor M. Creel, Esq.

Willick Law Group

3591 E. Bonanza Rd., Ste. 200

Las Vegas, NV 89110-2101

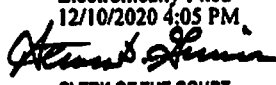
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TAYLOR & SANDERS

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CLERK OF THE COURT

ALVERSON TAYLOR & SANDERS
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KAYDI BLOUNT (DOB 2-19-2013)

CASE NO.: D-20-605933-F
DEPT. NO.: F

Minor Children

PAULA BLOUNT

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v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Father/Respondent.

v.

STEPHANIE BLOUNT,

Adoptive Mother/Respondent

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1 invalidate the Foreign Custody Order was on August 10, 2020. This Court, having reviewed and
2 examined the papers and pleadings on file herein, and good cause appearing, hereby enters the
3 following Findings of Fact and Order as follows:

4 **THE COURT FINDS:**

5 1. This Court had a hearing on this matter on October 20, 2020 where this Court
6 heard argument and took the matter under advisement.

7 2. That the grandmother, Pamela Blount domesticated a Foreign Judgment on March
8 18, 2020 with this Court. Petitioner is seeking full faith and credit from the Grandparent Custody
9 and Visitation Order filed on January 20, 2020 from the Tribal Courts of Hualapai Tribe, Peach
10 Springs, State of Arizona.

11 3. The Respondent father objects to the requests.

12 4. Several filings were made on the issues that the court has read in conjunction with
13 the related cases in this matter.

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15 Act.

16 6. This is not an ICWA issue because this is not the type of proceeding governed by
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19 child custody proceedings in certain situations.

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24 10. That decision was filed on September 16, 2019.

1 11. The Supreme court found that the UCCJEA was applicable in grandparent
2 visitation cases. The decision goes on to read that the Tribal Court never relinquished
3 jurisdiction over custody. Therefore, the tribal court still has exclusive continuing jurisdiction in
4 this case.

5 12. While this Court did grant a stepparent adoption in 2019, that proceeding did not
6 divest the tribal court of UCCJEA jurisdiction over these children.

7 13. UCCJEA proceedings were never held and the Tribal Courts of Hualapai Tribe,
8 Peach Springs, State of Arizona never relinquished jurisdiction to this court.

9 14. Therefore this COURT FINDS that the Tribal Courts of Hualapai Tribe, Peach
10 Springs, State of Arizona still has continuing exclusive jurisdiction in this case and the
11 grandmother, Pamela Blount domesticated a Foreign Judgment on March 18, 2020 with this
12 Court wherein she asks for full faith and credit.

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20 orders from the Tribal Courts of Hualapai Tribe, Peach Springs, State of Arizona shall be given
21 full faith and credit.

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IT IS FURTHER ORDERED that both sides shall bear their own fees and costs.

IT IS SO ORDERED.

DATED this _____ day of _____, 2020.

Dated this 10th day of December, 2020


DISTRICT COURT JUDGE

Submitted by:

ALVERSON TAYLOR & SANDERS

E38 66A 75C9 3B0D
Rena G. Hughes
District Court Judge



KURT R. BONDS, ESQ.

Nevada Bar #6228

TREVOR R. WAITE, ESQ.

Nevada Bar #13779

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Attorneys for Father/Respondent

Adoptive Mother/Respondent

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 Paula Blount, Plaintiff.

CASE NO: D-20-605933-F

7 vs.

DEPT. NO. Department J

8 Justin Blount, Defendant.

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trevor@willicklawgroup.com

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18 Victoria Javiel

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