

FILED

JUN 27 2022

ELIZABETH A. BROWN
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Appellant in Propria Persona

NEVADA SUPREME COURT

STATE OF NEVADA

AMBER PHILLIPS) Appeals Ct: 82414
) District Ct: D-18-578142-D
)
<i>Plaintiff- Respondent</i>) APPELLANT'S MOTION
) to STAY the REMITTITUR
vs.) PENDING APPLICATION
) to U.S. SUPREME COURT.
T. MATTHEW PHILLIPS)
)
<i>Defendant- Appellant.</i>)
) Judge: none. ¹

On Oct. 1, 2021, J. Ochoa was disqualified. On Oct. 6, 2021, the matter was reassigned to J. Hoskin. On Oct. 13, 2021, C.J. Bell issued an order accepting Ochoa's recusal. And then, almost six (6) months later, on March 24, 2021—after having undertaken “appellate review” of Ochoa’s recusal order—Hoskin *sua sponte* concluded that Ochoa had recused himself *in error*. Having overturned his brethren’s order, J. Hoskin then “remanded” the case back to J. Ochoa. However, J. Ochoa is powerless to act because, of course, Ochoa recused himself last October. On May 4, 2022, Phillips made an unprecedented motion—to recuse Ochoa for a second time. The court set a hearing for May 26, 2022; however, just minutes before oral arguments, C.J. Bell cancelled the hearing. C.J. Bell issued a minute order indicating a ruling would be forthcoming; but still—almost a month later, C.J. Bell has not yet ruled on whether to again disqualify Ochoa.

JUN 27 2022 Appellant's Motion to Stay Remittitur Pending Application to U.S. Supreme Court, p. 1

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22-20246

1 **I. PROCEDURAL HISTORY—**

2 Order of Affirmance: On April 29, 2022, this Court entered an *Order of*
3 *Affirmance* on Appellant’s appeal, [22-13646].

4 Petition for Re-Hearing Denied: On June 17, 2022, this Court denied
5 Appellant’s *Petition for Rehearing*, [22-19315].

6
7 **II. MOTION TO STAY REMITTITUR—**

8 Motion to Stay Remittitur: “A party may file a motion to stay the remittitur
9 pending application to the Supreme Court of the United States for a writ of
10 certiorari,” [NRAP, Rule, 41(b)(3)(A)].

11 Stay Shall Not Exceed 120 Days: As per the Rules, a stay of remittitur shall
12 not exceed 120 days, [NRAP, Rule, 41(b)(3)(B)]. Appellant seeks a stay of 120
13 days—pending his application to the U.S. Supreme Court.

14 Writ of Certiorari: This Court ruled against Appellant on April 29, 2022;
15 *therefore*, Appellant’s last day to file his writ of certiorari is July 28, 2022.

16
17 **III. OVERLOOKED & MISAPPREHENDED—**

18 Unresolved Issues of First Impression: This Court continues to overlook
19 and misapprehend fundamental due process issues now ripe for resolution—

- 20 • May one party to a civil case bring a criminal cause-of-action against
21 the other? (No!—of course, not.)

22 There is ***no private right of action*** to allege crimes in civil cases. No district judge
23 may conclude that a parent committed a crime—unless or until The People bring
24 a criminal complaint, [NRS 172.015; (“[e]very public offense must be prosecuted
25 by indictment or information”)]. The criminal complaint is what confers subject-
26 matter jurisdiction for the judge to make criminal findings and conclusions—and
27 The People are the only entity who may bring criminal complaints—and my ex-
28 wife, most certainly, is *not* The People.

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Dated: June 21, 2022

* * *

My name is T. MATTHEW PHILLIPS. I am the Appellant. All facts herein alleged are true and correct of my own personal knowledge. And as to those matters alleged on information and belief, I reasonably believe them to be true.

Dated: June 21, 2022

Appellant's Motion to Stay Remittitur Pending Application to U.S. Supreme Court, p. 3

CERTIFICATE-OF-SERVICE

I am an individual over the age of eighteen and not a party to the within action. My business address is 4894 W. Lone Mtn. Rd. No. 132, Las Vegas, Nev. 89130. My phone number is (323) 314-6996.

On **June 21, 2022**, I served the following:

**Appellant's Motion to Stay Remittitur Pending
Application to U.S. Supreme Court;**

on an interested party in the above-entitled action by

 X via e-mail transmission,

 personal service on the person below listed,

 depositing it in the U.S. Mail, postage prepaid,

and addressed to the person below listed,

 overnight delivery, addressed as follows:

**SHANNON WILSON, ESQ.
HUTCHISON & STEFFEN, LLC
PECCOLE PROFESSIONAL PARK
10080 W. ALTA DRIVE, STE. 200
LAS VEGAS, NEV. 89145**

I declare under penalty of perjury under Nevada law the foregoing is true and correct.

Dated: **June 21, 2022**

/s/ T. Matthew Phillips . .
Declarant.