

sanctions appropriate. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: EIGHTH Dept: I
County: CLARK
Judge: GERALD HARDCASTLE District Ct. Case No. D-17-560076-C
2. Attorney filing this docketing statement: Appellant in Proper Person

NOTE: APPELLANT IS FILING IN PROPER PERSON

Attorney: Telephone:
Firm
Address:
Client:

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney representing Respondent:
CARRIE E. HURTIK, ESQ.
HURTIK LAW & ASSOCIATES
6767 W. Tropicana Ave #200
Las Vegas, NV 89103

4. Nature of disposition below: (check all that apply)

<input checked="" type="checkbox"/> Judgment after bench trial	<input type="checkbox"/> Grant/Denial of NRCP 60(b) relief
<input type="checkbox"/> Judgment after jury verdict	<input type="checkbox"/> Grant/Denial of Injunction
<input type="checkbox"/> Summary Judgment	<input type="checkbox"/> Grant/Denial of declaratory relief
<input type="checkbox"/> Dismissal	<input type="checkbox"/> Review of agency determination
<input type="checkbox"/> Lack of jurisdiction	<input type="checkbox"/> Divorce Decree
<input type="checkbox"/> Failure to state a claim	<input type="checkbox"/> original <input type="checkbox"/> modification
<input type="checkbox"/> Failure to prosecute	<input type="checkbox"/> Other disposition (Specify):
<input type="checkbox"/> Other (specify) _____	

1 5. Does this appeal raise issues concerning any of the following:

2 ☒ Child Custody

3 ☐ Venue

4 ☐ Termination of Parental Rights

5 6. Pending and prior proceedings in this court. List the case name and docket
6 number of all appeals or original proceedings presently or previously pending before
this court which are related to this appeal:

7 None.

8 7. Pending and prior proceedings in other courts. List the case name, number and
9 court of all pending and prior proceedings in other courts which are related to this
10 appeal (e.g. bankruptcy, consolidated or bifurcated proceedings) and their dates of
disposition: None.

11 8. Nature of the action. Briefly describe the nature of the action, and the result below:

12 Appellants are the paternal grandmother, and paternal aunt, respectively,
13 seeking custody and/or visitation with the one minor child, PRESTON COLT,
14 pursuant to NRS 125C.004 and/or NRS 125C.050 and/or and NRS 125C.0035(4),
15 after the death of the child's father, due to the acknowledged "financial, alcohol, and
16 mental health issues..." of the Mother. [Page 17, line 4 "Decision and Order] Still the
17 court did not find Mother unfit.

18 Respondent sought to keep Appellants - and father's whole family - from a
19 relationship with the child.

20 9. Issues on appeal. State concisely the principal issue(s) in this appeal:

21 a. Did the District Court err by failing to find mother unfit, in spite of
22 acknowledging her issues of "financial, alcohol, and mental health issues...."

23 b. Did the District Court err by unilaterally ordering the action sealed in spite
24 of a determination after briefing of both parties, and Judge Moss' Order NOT to seal

1 the case pursuant to the ends of justice, as stated in the 6/5/2020 minutes.

2 c. Did the District Court err by failing to enforce the contempts of the
3 Respondent/Mother, thereby *encouraging* further disobedience.

4 d. Did the District Court err by failing to give proper weight to attempted
5 suicides and mental health issues of mother.

6 e. Did the District Court err by failing to resolve this matter in a timely
7 manner, thereby causing further acrimony between the parties.

8 f. Did the District Court err by failing to order the child released for a medical
9 evaluation relating to the child's burn marks.

10 g. Did the court err by violating the civil rights of Appellants by failing to
11 provide Appellant Mary-Anne Colt due process rights.

12 10. Pending proceedings in this court raising the same or similar issues. If you are
13 aware of any proceeding presently pending before this court which raises the same
14 or similar issues raised in this appeal, list the case name and docket number and
15 identify the same or similar issues raised:

16 none known

17 11. Constitutional issues. If this appeal challenges the constitutionality of a statute,
18 and the state, any state agency, or any officer of employee thereof is not a party to this
19 appeal, have you notified the clerk of this court and the attorney general in
20 accordance with NRAP 44 and NRS 30.130?

21 N/A ☒ YES _____ NO _____

22 If not, explain: _____

23 12. Other issues. Does this appeal involve any of the following issues?

24 _____ Reversal of well-settled Nevada precedent (on an attachment, identify the
25 case(s))

26 X An issue arising under the United States and/or Nevada Constitutions

27 _____ A substantial issue of first impression

28 X An issue of public policy

- 1 ___ An issue where en banc consideration is necessary to maintain uniformity of
2 this court's decisions
3 ___ A ballot question

4 If so, explain: N/A

5 13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly
6 set forth whether the matter is presumptively retained by the Supreme Court or
7 assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the
8 Rule under which the matter falls. If appellant believes that the Supreme Court
9 should retain the case despite its presumptive assignment to the Court of Appeals,
10 identify the specific issue(s) or circumstances(s) that warrant retaining the case, and
11 include an explanation of their importance or significance:

12 Appellant believes it will be assigned to the Court of Appeals.

13 14. Trial. (a) If this action proceeded to trial, how many days did the trial last?

14 Five days, over two years and two judges, with the decision written by a
15 visiting senior judge that only heard one portion of the trial.

16 (b) Was it a bench or jury trial? There was a bench trial.

17 15. Judicial disqualification. Did you intend to file a motion to disqualify or have
18 a justice recuse him/herself from participation in this appeal. If so, which justice?

19 N/A

20 **TIMELINESS OF NOTICE OF APPEAL**

21 16. Date of entry of written judgment or order appealed from:

22 Decision and Order filed 2/18/21

23 If no written judgment or order was filed in the district court, explain the basis
24 for seeking appellate review:

25 N/A

26 17. Date written notice of entry of judgment or order served:

27 2/18/21

Was service by:

☐ delivery

☒ by mail

☐ by fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b) or 59)

N/A

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

☐ NRCP 50(b) Date of filing

☐ NRCP 52(b) Date of filing

☐ NRCP 59 Date of filing

Attach copies of all post-trial tolling motions.

NOTE: Motion made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See *AA Primo Builders v. Washington*, 126 Nev. ___, 245, P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____
(attach copy)

(c) Date written notice of entry of order resolving motion served _____
(attach copy - include proof of service)

was service by:

☐ delivery

☐ mail

19. Date notice of appeal was filed: 3/17/21

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

N/A

20. Specify statute or rule governing the time limit for filing the Notice of Appeal, eg. NRAP 4(a), NRS 155.190 or other: NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

NRAP 3A(b)(1): X NRS 155.190 (specify subsection):

NRAP 3A(b)(2): NRS 38.205 (specify subsection):

NRAP 3A(b)(3): NRS 703.376 (specify subsection):

Other(specify): _____

(b) Explain how each authority provides a basis for appeal from the judgment or order:

Appellant is entitled to Appeal a final decision of the trial court.

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

Appellant: MARY-ANNE COLT and STACEY KANTER

Respondent: ALYSSA MARIE PLUMMER

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, eg. formally dismissed, not served, or other: All parties are part of this appeal

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e. order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

Appellants: Seek custody and/or visitation determined in the child's best interest.

Respondent: Wants to exclude deceased father's relatives from relationship with the child.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL parties to the action below:

Yes X No

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below: None.

(b) Specify the parties remaining below: None

1 (c) Did the district court certify the judgment or order appealed from as a final
2 judgment pursuant to NRCP 54(b):

3 Yes ____ No X.

4 (d) Did the district court make an express determination, pursuant to NRCP 54(b),
5 that there is no just reason for delay and an express direction for the entry of
6 judgment

7 Yes No X

8 26. If you answered "No" to any part of question 25, explain the basis for seeking
9 appellate review (e.g. order is independently appealable under NRAP 3A(b):

10 Order is independently appealable under NRAP 3A(b).

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

12 a. The latest filed complaint, counterclaims, cross-claims, and third-party
13 claims.

14 b. Any tolling motion(s) and order(s) resolving tolling motion(s)

15 c. Orders of NRCP 41(a) dismissals formally resolving each claim,
16 counterclaims, cross-claims, and/or third party claims asserted in the action or
17 consolidated action below, even if not at issue on appeal.

18 d. Any other order challenged on appeal.

19 e. Notices of Entry for each attached order.

20 VERIFICATION

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

25 Mary Anne Colt
MARY-ANNE COLT

26 4/14/21
27 Date

28 Stacey Kanter
STACEY KANTER

CLARK COUNTY, NEVADA
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 15th day of April, 2021, I served a copy of this completed docketing statement upon all counsel of record:

 By personally serving it upon him/her; or

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

CARRIE E. HURTIK, ESQ.
HURTIK LAW & ASSOCIATES
6767 W. Tropicana Ave #200
Las Vegas, NV 89103

Dated this 15th day of April, 2021.

C. Murrells
Person mailing - signature