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Attorneys for Appellant

Electronically Filed
Jun 01 2021 04:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE GUARDIANSHIP)	Supreme Court No. 82935
OF THE PERSON AND ESTATE OF: MAE R.)	
BROWN, ADULT PROPOSED PROTECTED)	District Court Case No. G054599
PERSON)	
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SHAWNTINA BROWN-PALMORE,)	
Appellant,)	
vs.)	
MAE R. BROWN, AND TYRESE BROWN,)	
Respondents.)	
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CASE APPEAL STATEMENT

1. **Name of appellant(s) filing this case appeal statement:** SHAWNTINA BROWN-PALMORE

2. **Identify the judge issuing the decision, judgment or order appealed from:**
Honorable Linda Marquis

3. **Identify each appellant and the name and address of counsel for each appellant:**
Appellant Shawntina Brown-Palmore

Jerome R. Bowen, Esq.	&	Theodore M. Medlyn, Esq.
Bowen Law Offices		
9960 W. Cheyenne Avenue, Suite 250		
Las Vegas, NV 89129		
Attorneys for Appellant		

1 **4. Identify each respondent and the name and address of appellate counsel, if**
2 **known, for each respondent (if the name of a respondent is unknown, indicate as much and**
3 **provide the name and address of that respondent's trial counsel):**

4 Respondents:

5 MAE R. BROWN, ADULT PROPOSED
6 PROTECTED PERSON
7 Scott Cardenas, Esq. (Trial counsel, discharged)
8 Legal Aid Center of Southern Nevada, Inc.
9 725 E. Charleston Blvd.
10 Las Vegas, Nevada 89104

11 TYRESE BROWN,
12 Frank J. Toti, Esq. (Trial counsel)
13 6900 Westcliff Drive, #500
14 Las Vegas, Nevada 89145

15 **5. Indicate whether any attorney identified above in response to question 3 or 4**
16 **is not licensed to practice law in Nevada, and if so, whether the district court granted that**
17 **attorney permission to appear under SCR 42 (attach a copy of any district court order**
18 **granting such permission): N/A**

19 **6. Indicate whether appellant is represented by appointed or retained counsel**
20 **in the district court:** Appellant was represented by retained counsel as follows:

21 Theodore M. Medlyn, Esq. and Jerome R. Bowen, Esq. of the Bowen Law Offices

22 **7. Indicate whether appellant is represented by appointed or retained counsel**
23 **on appeal:** Appellant is represented by retained counsel as follows:

24 Theodore M. Medlyn, Esq. and Jerome R. Bowen, Esq. of the Bowen Law Offices

25 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**
26 **and the date of entry of the district court order granting such leave: N/A**

1 **9. Indicate the date the proceeding commenced in the district court (e.g., date of**
2 **complaint, indictment, information, or petition was filed):** Original petition was filed March
3 31, 2021.

4 **10. Provide a brief description of the nature of the action and result in the**
5 **district court, including the type of judgement or order being appealed and the relief**
6 **granted by the district court:**

7
8 Petitioner and Appellant Shawntina Palimore-Brown on March 31, 2021 filed a pro se Petition
9 for Temporary Guardianship of Mae R. Brown in the Eighth Judicial District Court alleging abuse
10 of her hospitalized mother and “rogue action” by her Brother Tyrese Brown. Theodore M. Medlyn,
11 Esq, and Jerome R. Bowen of the Bowen Law Offices were retained and filed a Notice of
12 Appearance on April 1, 2021. Tyrese Brown on April 8, 2021 filed his own pro se Petition for
13 Guardianship alleging that he held Financial and Medical Power of Attorney. The Legal Aid Center
14 was Appointed as counsel for the Proposed Protected Person Mae R. Brown in both cases, on April
15 6, 2021 and April 14, 2021 respectively.

16
17 Frank, J. Toti, Esq. was retained by Cross-Petitioner Tyrese Brown, and on April 29, 2021,
18 filed a Notice of Appearance and Objection to Petition for Guardianship of Mae R. Brown. Bowen
19 Law Offices Filed a notice fo related Cases on April 30, 2021. On that same day, Scott Cardenas
20 filed his Objection to the Petition for Appointment of Guardian into both Cases, citing NRS
21 159.044(2)(i) and arguing that a guardianship case *must* be dismissed if it does not contain a
22 physicians certificate with the petition. On May 2, 2021 Petitioner Shawntina Palimore-Brown filed
23 a Reply in Support of Petition citing NRS 159.044 and other alleged authority and arguing that the
24 facts alleged in the instant case allowed the Court to in its discretion permit discovery of items not
25
26

1 yet included with the petition.

2 A Hearing for Citation to Show Cause was held on May 6, 2021; Therein the court, after
3 argument, found it was bound by statute to dismiss the matter due to the lack of Physicians
4 Certificate; the Court also ordered the cases be condensed into the lower-numbered action. An Order
5 to that effect was prepared and filed on May 14, 2021. The Bowen Law Offices on behalf of
6 Appellant filed a Notice Of Appeal on May 14, 2021, seeking *de novo* review of the District Court's
7 interpretation and application of NRS 159.044.
8

9 **11. Indicate whether the case has previously been the subject of an appeal to or**
10 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
11 **docket number of the prior proceeding: N/A**

12 **12. Indicate whether this appeal involves child custody or visitation: N/A.**

13 **13. If this is a civil case, indicate whether this appeal involves the possibility of**
14 **settlement: Yes, settlement is possible.**

15 DATED this 1st day of June, 2021.

16 **BOWEN LAW OFFICES**

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18 THEODORE M. MEDLYN, ESQ.

19 Nevada Bar No. 15284

20 Attorney for Appellant
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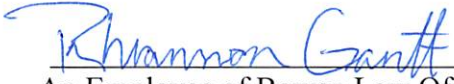
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of BOWEN LAW OFFICES, and that on the 4th day of June, 2021, I served a true and correct copy of the forgoing **CASE APPEAL STATEMENT** by:

XX E-flex - electronic service - addressed as follows:

MAE R. BROWN, ADULT PROPOSED
PROTECTED PERSON
Scott Cardenas, Esq. (Trial counsel)
Legal Aid Center of Southern Nevada, Inc.
725 E. Charleston Blvd.
Las Vegas, Nevada 89104

TYRESE BROWN,
Frank J. Toti, Esq. (Trial counsel)
6900 Westcliff Drive, #500
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