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2 IN THE SUPREME COURT OF THE STATE OF NEVADA
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5 JANEAL CALKINS,

Case No.: 83053

6 Appellant,

7 vs.
8

9 WAYLON HUBER,,
10

Respondent.
11

12 CHILD CUSTODY FAST TRACK RESPONSE

13 **1. Name of party filing this fast track response:** WAYLON HUBER

14 **2. Name, law firm, address, and telephone number of attorney submitting this**
15 **fast track response:** IN PRO SE Waylon Huber
16

17 **3. Judicial district, county, and district court docket number of lower court**
18 **proceedings:** In the Sixth Judicial District Court of the State of Nevada, in and for
19 the County of Humboldt, Case No. CV 20464
20

21 **4. Name of judge issuing judgment, or order appealed from:** Hon. Michael R.
22 Montero
23

24 **5. Length of trial or evidentiary hearing:** Not applicable
25

26 **6. Written order or judgment appealed from:** Order Denying Defendant's
27 Motion for Change of Custody and Entering Permanent Custody Order
28

RECEIVED

SEP 27 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

21-27847

1 **7. Date that written notice of the appealed written judgment or order's entry**
2 **was served:** May 12, 2021
3

4 **8. If the time for filing the notice of appeal was tolled by the timely filing of a**
5 **motion listed in NRAP 4(a)(4):** N/A
6

7 **9. Date notice of appeal was filed:** June 10, 2021

8 **10. Rule governing the time limit for filing notice of appeal:** NRAP 4(a) 11.

9 Rule granting jurisdiction to review order appealed: NRAP 3(A)(b)(7)
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11 **12. Pending and prior proceedings in this court:** None

12 **13. Proceedings raising same issues (if aware of any pending):** None
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14 **14. Procedural history:**

15 The parties entered into a Marital Settlement Agreement wherein they
16 agreed to joint legal and joint physical custody of their two (2) minor children but
17 agreeing that Defendant (hereinafter "Jenea") could temporarily relocate with the
18 children to Idaho for a period of two years. They were issued a Decree of Divorce
19 on April 1, 2016. April 14, 2017, Order Granting Father Immediate Custody.
20
21 Order after May 4, 2017 "Emergency Hearing" Custody was returned to decree
22 and Janae's then boyfriend, "Justin Calkins" shall have no contact with the minor
23 children until further order of the court due to being a multi-convicted felon with a
24 substantial criminal history. Only days later following allegations by Jenea against
25 Respondent (hereinafter "Waylon") of child abuse, the Court issued an Order
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1 Suspending Visitation on June 9, 2017. Extensive motion practice ensued with
2 contempt of court charges issued against Janae calkins, then "Janae Huber".
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4 Therapeutic supervised visitation between Waylon and the children was ordered
5 November 30, 2018, and again, reordered March 15, 2019. The supervised
6 visitation between the children and their father was to occur twice a month in
7 Idaho. On February 27, 2020, the Court held a hearing on ten (10) pending motions
8 filed by Waylon between March 25, 2019, through February 20, 2020, Due to the
9 supervised therapeutic visitation not occurring, and one (1) motion filed by Janae
10 on November 22, 2019. 10/22/2019 Hearing set for 11/26/2019. 10/22/2019
11 Motion to Enforce. 10/23/2019 Notice of Hearing. 11/22/2019 Motion to vacate
12 and reschedule hearing. 11/22/2019 Settlement conference set for 11/22/2019
13 Judge: Gabrielle Carr. 11/22/2019 settlement conference/mediation. 11/22/2019
14 Order (settlement conference) 12/6/2019 Evidentiary hearing set for 2/27/2020.
15 12/6/2019 settlement conference set for 12/19/2019 Settlement conference.
16 12/6/2019 settlement conference/mediation. 12/9/2019 Order after Mediation.
17 12/23/2019 Proof of service. 2/27/2020 Evidentiary hearing. As a result of that
18 hearing, on March 6, 2020, the Court issued an Order for the minor children to
19 immediately again engage in supervised visitation and therapeutic intervention in
20 Idaho for the third time. 5/12/2020 Email sent to regarding service of court
21 document. 6/25/2020 Email sent to regarding service of court document. On June
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1 26, 2020, Waylon's attorney filed an Ex Parte Motion to Produce Minor Children
2 and Grant Third-Party Custody Pending Reunification, the supervised therapeutic
3 visitation had not occurred due to Janea being discharged from Court Ordered
4 reunification therapy by the "Stellar Health" in Boise, ID, due to continuous no
5 call, no showed appointments. 6/30/2020 email sent to regarding service of court
6 document. 7/1/2020 Hearing set for 7/15/2020. 7/1/2020 Email sent regarding
7 service of court document. 7/1/2020 Order to immediately produce minor children
8 to court per NRS 125C.0055 and notice of expedited hearing Re:Custody. 7/2/2020
9 Notice of entry of 7/1/2020 Order. 7/13/2020 Motion to continue hearing by Janea.
10 7/14/2020 Opposition to Motion to continue hearing. On July 15, 2020, the Court
11 held a hearing. On July 24, 2020, the Court issued an Order Modifying Temporary
12 Custody of Two Minor Children and Other Related Matters regarding coaching of
13 children, and grossly repeated noncompliance of court orders, and borderline
14 abduction of children. 7/16/2020 Order modifying temporary custody of two minor
15 children and other related matters. 7/24/2020 Notice of Entry of Order. On
16 3/8/2021, Janae filed a Motion for Change of Custody or Visitation stating in her
17 Motion that her now Husband "Justin Calkins" whom has a standing "No contact"
18 order with the children is now residing in the home with Janea and her child. Justin
19 was at that time was recently released from prison from parole violation. Janea was
20 asking for children to return to her home full time with Justin, with Waylon having
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1 limited visitation. 3/8/2021 Case reopened for other. 4/12/2021 Motion for change
2 in custody or visitation. 4/12/2021 Proof of Service. 4/12/2021 Request for
3 submission. 4/22/2021 Order regarding Improper Service. 5/3/2021 Opposition to
4 Mother's Motion for change in custody and Cross Motion for permanent custody
5 order. 5/5/2021 Proof of service. 5/5/2021 Request for submission. 5/10/2021
6 Order denying defendants motion for change of custody and entering permanent
7 custody order. 5/12/2021 Notice of Entry of Order

11 **15. Statement of Facts:**

12 On 4/1/2016 the parties entered a finding of Facts, Conclusion of Law, And Decree
13 of Divorce. On 4/14/2017 Waylon filed an Ex-Parte emergency motion regarding
14 children. Waylon was informed that mother had allegations child abuse, informed
15 by Officer Dunckhorst with Winnemucca PD. Immediately Waylon filed an
16 emergency motion with Highly concerning issues with Janea's boyfriend "Justin"
17 who was living in the home with children. He has a substantial criminal history and
18 is a multi-convicted felon. He was on parole for a ten year sentence for a felony
19 domestic strangulation charge and other numerous charges. 4/14/2017 An Order
20 Granting Immediate Custody Of Children to Waylon. Janea refused to bring
21 children back to father despite Order granting Immediate Custody. 5/4/2017 A
22 hearing was held and visitation schedule to be returned back to original divorce
23 decree and Janae's boyfriend Justin Calkins to have a "No contact Order" with
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1 children. Immediately after the hearing Janea refused to bring children back.
2 6/9/2017 ex-parte motion filed by Janea to suspend visitation furthering her abuse
3 allegations on father. 6/9/2017 Order suspending visitations due to Janea's
4 allegations. 6/22/2017 hearing held and court suspended visitation until allegations
5 and investigation completed. Father was cleared of all allegations. Numerous other
6 hearings then took place 1/5/2018-11/20/2018 which included therapeutic
7 supervised visitation to start with Waylon in Idaho, and a 11/20/2018 Show Cause
8 Hearing for Janea. From 11/20/2018- 3/14/2019 more hearings were heard due to
9 Janea's noncompliance with the therapeutic supervised visitation. On 11/26/2019,
10 12/19/2019, and 1/9/2020 a settlement conference was heard and not successful.
11 On 2/27/2020 an evidentiary hearing was held and Janea was again to start
12 therapeutic supervised visitations immediately with father at "Stellar Health" in ID
13 with strict guidelines from the court that if games were played and if there were
14 missed appointments there will be severe consequences from the court that may
15 lead to a change in custody. Janea again failed to comply with the court order. She
16 was discharged from "Stellar Health" due to no call, no show for appointments.
17 Now there was no where to go for supervised therapeutic visitations since "Stellar
18 Health" was specifically the facility the court ordered for therapeutic supervised
19 visitations. 6/26/2020 Ex-Parte Motion was filed to produce Minor children and
20 Grant Third-Party Request for Custody pending Reunification. 6/30/2020 Email
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1 sent to Regarding Service of Court Document. 7/1/2020 Hearing set for 7/15/2020
2 and Order to Immediately produce Minor children to Court per NRS 125C.0055
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4 And Notice of Expedited Hearing RE: Custody. 7/2/2020 Notice of Entry of July 1,
5 2020 Order. Janae then filed a motion 7/13/2020 to continue the hearing and
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7 Waylon's counsel filed an opposition to motion to continue hearing. 7/15/2020 A
8 hearing was held. In the hearing numerous concerning issues raised. Stellar Health
9 testified of extreme coaching and concern for the Huber twins. Janae was also
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11 trying to start another investigation on Waylon in Reno after knowing he was
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13 cleared of all accusations of abuse. In previous court documents Janae said she and
14
15 the children were living with her mother. Then admitted that she had married, had
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17 a child with, and lived with Justin Calkins and the children together the entire time
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19 off and on, between Justin's prison stints for violating his parole all while knowing
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21 Justin had a standing "no contact" order in place. Janae was found to be
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23 "uncredible" and the court was highly concerned with Janae's infringement on
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25 Waylon's rights as a parent and her level of defiance and noncompliance regarding
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27 court orders. The court appointed Dr. Coard for reunification between father and
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children with Grandmother Debbie Castonguay having third party custody. Court
ordered Waylon and Janae to split fee's and cooperate with Dr. Coard for
assessments and recommendations. 7/16/2020 Email sent to Regarding Service of
Court document. 7/24/2020 Order Modifying temporary Custody of Two minor

1 children and Other related Matters. Waylon fully cooperated with Dr. Coard and
2 payed his portion for Dr. Coard's services and assessments for the children. Janea
3 never payed her portion to receive recommendations for the court and the
4 recommendations never got completed due to her noncompliance. The
5 recommendations were to be submitted directly to the court. 3/8/2021 Janea filed
6 Motion for Change Of Custody or Visitation. 3/8/2021. 4/12/2021 Motion For
7 Change of Custody or Visitation, Proof Of Service, Request for submission all
8 filed by Janea. In Janea's motion she asked that custody be changed back to her
9 having primary physical custody and for the children to move back to ID to live
10 with her, her husband Justin Calkins, who has a "no contact" order with children,
11 and who was recently released from prison again, and their daughter they share
12 together. She asked for Waylon to have limited visitation rights. 4/22/2021 Order
13 Regarding Improper Service. On 5/3/2021 Waylon's attorney filed an Opposition
14 to Mother's Motion to change Custody and Cross Motion for Permanent Custody.
15 5/10/2021 "Order Denying Defendants motion For a Change in Custody and
16 Entering Permanent Custody Order" based on Janea's motion to modify, and in her
17 own words to the court a warranted a substantial change in circumstance by
18 moving her husband "Justin Calkins" in with her after his third release from prison,
19 and having a no contact Order with the children.
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1 **15. Issues on Appeal:**

2 Janae was afforded every opportunity to cooperate with court orders and more than
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4 due process if you are to look at the case history and view transcripts. In Janae's
5 Fast Track Statement there was never any transcripts provided or served for a
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7 transcript request form or filed two stamped copies of that request form in this
8
9 court, nor did the appellant file and serve a certificate that no transcript is to be
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11 requested with this court and within the same time period. Without all this
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13 pertinent information Janae's counsel is doing guesswork and false accusations.
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15 Appellant's counsel is attempting to dissect the sixth Judicial Court procedure
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17 while she is not following proper procedure in Supreme Court.
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19 Janae's own motion and testimony proved her own change in circumstance to the
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21 court to warrant a substantial change in circumstance to move from temporary
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23 custody to permanent custody. The final Permanent custody order outlined the
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25 reason for a modification.

26 **17. Legal Argument:**

27 The court did its due diligence and Janae's words as outlined in her motion was
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evidence enough to modify from temporary to permanent custody. The custody
was not changed but was modified from temporary to permanent.

Legal Analysis of Issues on Appeal:

Court did their due diligence.

1 **Conclusion:**

2 The court was in no rush to judgement. Court proceedings were extensive and
3 continuous from 2015 to present. Janea has deceived, manipulated, and ignored
4 the Sixth Judicial Court which has affected the wellbeing of the children
5 involved enormously. Janea had no procedural issues with the court until most
6 recently when custody was modified to permanent. The fast track statement was
7 inaccurate and incomplete. Dates and pertinent information were missing, and
8 entire hearings and outcomes were not listed. The Fast Track Statement paints
9 an incomplete and subjective picture of events. Without the transcripts the Fast
10 Track Statement is based off of accusations and assumptions by appellant and
11 counsel. This appeal should be dismissed due to procedural negligence. Four
12 days after filing respondent has still not received a copy of the fast track from
13 appellant but has to rely on checking the supreme court web site daily for
14 filings.
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21 **VERIFICATION**

22 VERIFICATION 1. I hereby certify that this fast track response complies with
23 the formatting requirements of NRAP 32(a)(4), the typeface requirements of
24 NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:
25

26 [] This fast track response has been prepared in a proportionally spaced
27 typeface using Microsoft Word in size 14 font in Times New Roman; or
28

[] This fast track response has been prepared in a monospaced typeface using Microsoft Word in size 14 font in Times New Roman with no more than 10.5 characters per inch.

2. I further certify that this fast track response complies with the page- or type-volume limitations of NRAP 3E(e)(2) because it is either:

[] Proportionately spaced, has a typeface of 14 points or more, and contains 2342 words; or

[] Monospaced, has 10.5 or fewer characters per inch, and contains 2340 words or 223 lines of text; or

[] Does not exceed 11 pages. 3. Finally, I recognize that under NRAP 3E I am responsible for timely filing a fast track response and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track response. I therefore certify that the information provided in this fast track response is true and complete to the best of my knowledge, information, and belief.

This 24th Day of September 2021.

Waylon Huber
In Pro See

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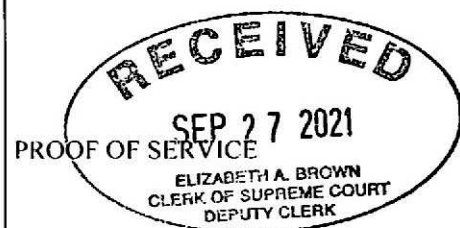
12
13 **PROOF OF SERVICE**

14 This is a proof of service for the "CHILD CUSTODY FAST TRACK
15 RESPONSE."
16

17 Mailed to via US mail to
18 Elizabeth Bittner Esq
19 1225 Westfield Ave Ste 7
Reno, NV 89509

20 This document does not contain the Social Security number of any person.
21 I declare under penalty of perjury, under the law of the state of Nevada,
22 that the foregoing statements are true and correct.
23
24

25 09/24/2021



In Pro see

A handwritten signature in black ink, appearing to be "W. Huber", written over a horizontal line.