

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA AUG 02 2021

INDICATE FULL CAPTION:

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

THOMAS CASS _____,
Appellant

No.

83297

DOCKETING STATEMENT
CIVIL APPEALS

vs.

____CHRISTA CLASSON_____
Respond

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

21-22431

1. Judicial District EIGHTH Department P
County CLARK Judge PERRY
District Ct. Case No. D-17-554355-D

2. Attorney filing this docketing statement:

Attorney PRO SE Telephone 702-530-1874
Firm _____
Address 1752 YELLOW ROSE ST.
LAS VEGAS, NV 89108

Client(s) THOMAS CASS

If this is a joint statement by 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(s) representing respondents(s):

Attorney PRO SE Telephone 702-581-7667
Firm _____
Address 2335 WEYBURN CT.
HENDERSON, NV 89074

Client(s) CHRISTA CLASSON

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

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

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

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

- ☒ Child Custody
☐ Venue
☐ Termination of parental rights

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

N/A

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

D-17-554355-D; 06/23/2017 Complaint for Divorce: REOPENED;
09/09/2020 Motion: Plaintiff's Motion and Notice of Motion for School Selection for Minor;
02/26/2021 Evidentiary Hearing: MATTER SETTLED;
06/22/2021 Motion SCHOOL SELECTION FOR MINOR CHILD AND CLAIMING ON TAXES: DENIED

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

The initial action between these parties was a divorce commenced on June 23, 2017. The Order from which appeal is sought was the result of a Motion to SCHOOL SELECTION FOR MINOR CHILD AND CLAIMING ON TAXES filed by Appellant on JUNE 22, 202 The motion was opposed and the Court issued an Order Denying Motion on JULY 26, 202

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Did the District Court abused its discretion by not holding an evidentiary hearing on Appellant's Motion?
2. Did the District Court err in not upholding the decisions of the evidentiary hearing on 2/26/2021 and by accepting the Order filed the day prior on 2/25/2021 by the wrong party?
3. Did the District Court erred in basing the school choice on location rather than the child's best interest?
4. Did the district court abuse its discretion when it failed to make any best interests findings in its order that the child not attend Legacy Charter School?
5. Did the district court abuse its discretion when it failed to have the minor child interviewed regarding his scholastic preferences and conduct an evidentiary hearing on the issue of where the child would attend school?

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

NONE

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

☒ N/A

☐ Yes

☐ No

If not, explain:

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

☐ Reversal of well-settled Nevada precedent (identify the case(s))

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

☐ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: SEE ATTACHED SHEET

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

This appeal is presumptively assigned to the Court of Appeals per NRAP 17(b)(5) because it involves an issue of family law. Respondent respectfully submits, however, that the Supreme Court should retain this case because the appeal raises an issue of statewide public importance regarding Nevada's domestic relations laws; therefore, I respectfully submit that this appeal should remain with this court pursuant NRAP 17(a)(13) and (14).

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

NO

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from JULY 23, 2021

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

17. Date written notice of entry of judgment or order was served _____

Was service by:

☐ Delivery

☒ Mail/electronic/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)

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

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions 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 _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed JULY 26, 2021

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

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4A

SUBSTANTIVE APPEALABILITY

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

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

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

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

(a) Parties:

Plaintiff (Appellant) THOMAS CASS

Defendant (Respondent)CHRISTA CLASSO

(b) 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, *e.g.*, formally dismissed, not served, or other:

N/A

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Enrollment of child in charter school - denied

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

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

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)
- Orders 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, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

ATTACHMENT

The Nevada Supreme Court has not addressed the significant public policy question that affects our state's domestic relations law: what constitutes "best interest" and "broad discretion" about decisions made that affect a family and its members? By not doing so, the District Court continues to issue inconsistent and often incomprehensible rulings. The manner and method of how the District Court settles disputes which affect the cornerstone of our society, family, is based on little more than the personal beliefs and prejudices of those issuing verdicts because there exists no foundation on which to build proper procedure. The broad discretion afforded the District Court on such matters has led to inconsistencies that fly in the face of justice. Whether or not a party receives a favorable outcome depends mostly on the presiding judge rather than the facts and merits of the case. In my personal experience, three different judges presided over the divorce and custody proceeding in which I was involved, and all three judges' rulings were contradictory despite the facts remaining unchanged. The lack of restrictions and accountability afforded to the District Court prevents the people from having faith or confidence in the Family Court system. Rules of Law empower judiciaries by providing a consistent foundation on which to build a proverbial house of reason and accountability where justice resides. Accountability to even moderately interpretable would greatly benefit both parties in disagreement and judges entrusted with making unbiased, impartial rulings based solely on a child's best interest; standard guidelines would make for expeditious, rational decisions that all parties involved may not agree with, but in which all parties can understand the rationale that was applied. The Supreme Court must address and remedy the public policy eroding the confidence and faith once afforded Family Court; the policy must encourage those sworn to uphold and enforce judicial precedent to

preside in a manner that is reasonable, comprehensible, and consistent. as These judges are entrusted with the welfare and best interest of those who are most precious --our children --and they must be held accountable if they do not act in a manner befitting a civil officer of such high standing and great influence.

Tom C. 4

Thomas C455

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.

THOMAS CASS

Name of appellant

N/A
Name of counsel of record

7/26/2021

Date

[Signature]
Signature of counsel of record

NEVADA/CLARK

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 29TH day of JULY, 2021, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

CHRISTA CLASSON
2335 WEYBURN CT.
HENDERSON, NV 89074

Dated this 29TH day of JULY, 2021

[Signature]
Signature

Electronically Filed
07/26/2021


CLERK OF THE COURT

No. D-17-554355-D

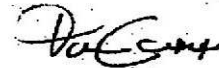
Dept. P

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

Christa Classon
A. B., Plaintiff }
v. }
Thomas Cass }
C.D. Defendant }

NOTICE OF APPEAL

Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada Order denying the Motion for SCHOOL SELECTION FOR MINOR CHILD AND CLAIMING ON TAXES entered in this action on the 26th day of July, 2021



THOMAS CASS
PRO SE

1752 YELLOW ROSE ST.
LAS VEGAS, NV 89108
Address