

1 DEBRA M. AMENS, ESQ.
2 Amens Law, Ltd., Nevada Bar No. 12681
3 P.O. Box 488, Battle Mountain, NV 89820
4 T: 775-235-2222 F: 775-635-9146
5 Email: debra.amenslawfirm.com

6 *The Undersigned hereby affirms this document*
7 *does not contain a social security number.*

8 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

9 **IN AND FOR THE COUNTY OF ELKO**

10 **IN THE MATTER OF THE GUARDIANSHIP**
11 **OF THE PERSON AND ESTATE OF**

CASE NO. PR-GU-18-67
DEPT. NO. 1

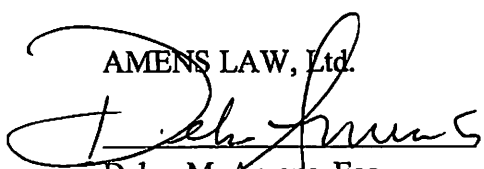
12 PAISLEY GRACE STONE (dob 5/27/16), and
13 CARTAR THOMAS FERGUSON
(dob 1/17/18).

NOTICE OF APPEAL

14 NOTICE is hereby given to Guardians/former Co-Guardians and Respondents, MARIA
15 and JOHN MCGREW (hereinafter "the McGrews") and VICKY and DONALD FERGUSON
16 ("the Fergusons"), both represented by Travis Gerber, Esq. of Gerber Law Offices, LLP, that the
17 former co-Guardians and Petitioners, PAMELA and MICHAEL LUCERO ("the Luceros"), by
18 and through their attorney, Debra M. Amens, Esq., of Amens Law, Ltd., hereby appeals to the
19 Supreme Court of Nevada from the order Denying the Motion for Reconsideration, entered on
20 July 21, 2021, by Department 1 of the Fourth Judicial District Court of the State of Nevada. The
21 Notice of Entry of Order was filed by the Luceros on August 20, 2021.

22 DATED this 20 day of August, 2021.

23 AMENS LAW, Ltd.

24 
25 Debra M. Amens, Esq.
26 Nevada Bar No. 12681
27 Attorney for Appellant
28

FILED

2021 AUG 24 PM 2:50

ELKO CO. DISTRICT COURT
Electronically Filed
Aug 31 2021 10:43 a.m.
CLERK Elizabeth A. Brown
Clerk of Supreme Court

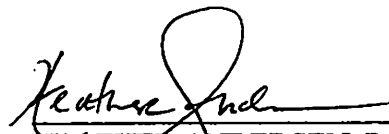
1
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I hereby certify that I work with AMENS LAW, LTD, and that on
4 the 20 day of August, 2021, I served a copy of the NOTICE OF APPEAL by delivering a true
5 and correct copy of same in a sealed envelope, properly addressed via First Class Mail to the
6 following:
7

8 Travis W. Gerber, Esq.
9 GERBER LAW OFFICES, LLP
10 491 4th Street
11 Elko, NV 89801

12 Diana Hillewaert, Esq.
13 HILLAWAERT LAW FIRM, LLC
14 575 5th Street
15 Elko, NV 89801

16 Kristin Stone
17 9640 DeFoe Street
18 Strasberg, CO 80136

19
20
21 
22 HEATHER ANDERSEN, Paralegal
23
24
25
26
27
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1 DEBRA M. AMENS, ESQ.
2 Amens Law, Ltd., Nevada Bar No. 12681
3 P.O. Box 488, Battle Mountain, NV 89820
4 T: 775-235-2222 F: 775-635-9146
5 Email: debra.amenslawfirm.com

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7 *does not contain a social security number.*

FILED

2021 AUG 24 PM 2:50
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 18

8 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

9 **IN AND FOR THE COUNTY OF ELKO**

10 **IN THE MATTER OF THE GUARDIANSHIP**
11 **OF THE PERSON AND ESTATE OF**

CASE NO. PR-GU-18-67
DEPT. NO. 1

12 PAISLEY GRACE STONE (dob 5/27/16), and
13 CARTAR THOMAS FERGUSON
14 (dob 1/17/18).

CASE APPEAL STATEMENT

15 1. Former Co-Guardians and Petitioners, PAMELA and MICHAEL LUCERO, by
16 and through their attorney, Debra M. Amens, Esq., of Amens Law, Ltd., files this case appeal
17 statement:

18 2. Hon. District Court Judge, Kriston N. Hill, Department 1 of the Fourth Judicial
19 District Court, issued her final order denying Appellants' request for Reconsideration of her
20 *Findings of Fact and Order Granting Guardianship* in the above entitled case.

21 3. Former co-Guardians and Guardians, MARIA and JOHN MCGREW (hereinafter
22 "the McGrews") and VICKY and DONALD FERGUSON ("the Fergusons"), were both
23 represented by Travis Gerber, Esq. of Gerber Law Offices, LLP.

24 4. Appellants, PAMELA and MICHAEL LUCERO ("the Luceros"), are represented
25 by Debra M. Amens, Esq., of Amens Law, Ltd.

26 5. The Minor Protected Persons, PAISLEY GRACE STONE and CARTAR
27 FERGUSON are represented by Diana Hillewaert, Esq. of Hillewaert Law Firm, LLC.
28

1 6. The Mother of the minor protected persons, KRISTIN STONE appeared in proper
2 person.

3 7. Appellants, current Guardians, the Mother of the minor protected persons, and the
4 Children's Attorney are involved in this appeal.
5

6 8. The Parties contact information follows:

7 Travis Gerber, Esq.	Debra M. Amens, Esq.
8 Gerber Law Office, LLP	Amens Law, LLC
9 491 4 th Street, Elko, NV 89801	P.O. Box 488, Battle Mountain, NV 89820
10 Phone: (775)738-9258 Fax: (775)738-8198	Phone: (775)235-2222 Fax: (775)635-9146
11 Email: twg@gerberlegal.com	Email: debra@amenslawfirm.com
12 Attorney for the McGrews and the Fergusons	Attorney for Appellant: the Luceros

13 Diana Hillewaert, Esq.	Kristin Stone, pro per
14 Hillewaert Law Firm, LLC	9640 DeFoe Street
15 575 5 th Street, Elko, NV 89801	Strasburg, CO 80136
16 Phone: (775)777-3000 Fax: (775)777-3001	Phone: (775) 934-1155
17 E-mail: hillewaertlaw@yahoo.com	E-mail: timmy.lucero322@gmail.com
18 Attorney for the Minor Protected Persons	Mother of both children

19 9. Appellant retained counsel for the above-titled action in district court.

20 10. Appellant has retained the same counsel on their appeal.

21 11. Appellant is not appearing forma pauperis.

22 12. The proceedings in district court commenced on May 29, 2018, upon Petitioners'
23 filing of their Petition for the Appointment of General Guardians.

24 13. The nature of the action involved herein is an appeal from an order denying
25 reconsideration of the district court's Finding of Facts and Order Granting Guardianship of the
26 Minor Protected Persons. Following a three (3) year Temporary Co-Guardianship of the Minor
27 Protected Persons wherein the Luceros, the McGrews and the Ferguson's shared custody of the
28 minor protected persons, to wit: PAISLEY STONE, born May 27, 2016, and CARTAR

1 FERGUSON, born on January 17, 2018, the Court granted General Guardianship of the minor
2 protected persons without a full consideration of the best interest of the minor children. Prior to
3 the commencement of the proceeding involved in this appeal, the minor protected persons were in
4 the care of their Mother, KRISTIN STONE, who voluntarily sought temporary assistance from the
5 Parties to help care for her children.
6

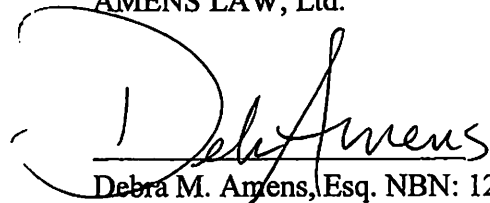
7 14. The case has not been the subject of an appeal or original writ proceeding with the
8 Supreme Court or Court of Appeals in the State of Nevada.
9

10 15. The case does involve Child Custody and Visitation.

11 16. The Parties have attempted to settle the case and settlement may still be possible.

12 DATED this 20th day of August, 2021.

13 AMENS LAW, Ltd.

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16 Debra M. Amens, Esq. NBN: 12681

17 Attorney for Appellants
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Travis W. Gerber, Esq.
GERBER LAW OFFICES, LLP
491 4th Street
Elko, NV 89801

Kristin Stone
9640 DeFoe St.
Strasburg, CO 80136

-4

Case Summary

ECDC-PRGU-18-67 - IN THE MATTER OF THE GUARDIANSHIP OF: STONE, PAISLEY & FERGUSON, CARTER

Court: ECDC-PRGU-18-67

Agency: Elko County Clerk's Office

Type: Family - Guardianship

CaseID: 18-1091

Received Date: 5/22/2018

Status: Pending

Status Date: 8/5/2021

Age: 1196 days Active Age: 1196 days

Involvements

HILL, KRISTON Judge -
PORTER, NANCY Judge, Inactive -
LUCERO, PAMELA Petitioner -
FERGUSON, DONALD Respondent -
FERGUSON, VICKY Respondent -
FERGUSON, CARTAR Defendant -
STONE, PAISLEY Defendant -
AMENS, DEBRA Defense Attorney -
FERGUSON, KEVIN Parent -
GERBER, TRAVIS Defense Attorney -
LOREMAN, DAVID Defense Attorney - STONE, KRISTIN
MENDEZ, LISA Respondent's Attorney - STONE, KRISTIN
STONE, KRISTIN Parent -
RODRIGUEZ, MICHELLE Defense Attorney, Inactive -

Name Attributes

For: CARTAR THOMAS FERGUSON
Name Record Source - Name Record Converted from JALAN - Court
For: DONALD WILLIAM FERGUSON
Name Record Source - Name Record Converted from JALAN - Court
For: KEVIN THOMAS FERGUSON
Name Record Source - Name Record Converted from JALAN - Court
Place of Birth: SAN DIEGO, CA
For: VICKY LYNN FERGUSON
Name Record Source - Name Record Converted from JALAN - Court
For: PAMELA JEANNE LUCERO
Name Record Source - Name Record Converted from JALAN - Court
For: KRISTIN STONE
Name Record Source - Name Record Converted from JALAN - Court
For: PAISLEY GRACE STONE
Name Record Source - Name Record Converted from JALAN - Court

Case History

Date

Event Type Desc

Status

Case Summary

Guardianship Hearing - Event ex-parte to suspend visits	For: 7/7/2020	11:30 AM	Hearing Held
Guardianship Hearing - Event	For: 8/5/2020	9:30 AM	Hearing Held
Guardianship Hearing - Event	For: 8/6/2020	9:30 AM	Hearing Held
Guardianship Hearing - Event petition for guardianship	For: 1/14/2021	9:30 AM	
Guardianship Hearing - Event petition for guardianship (w/PR-GU-18-49 & PR-GU-18-56)	For: 3/4/2021	10:00 AM	Hearing Held
Pending - Case Status Case Status Change			

5/22/2018 EX PARTE EMERGENCY PETITION FOR
TEMPORARY APPOINTMENT OF GUARDIAN
OF PERSON AND ESTATE OF MINOR WARD-
Document

5/22/2018 Proceedings (Converted) - Event
Event Type Code: F17
Event Type Description: FILE OPENED - DC

5/22/2018 Proceedings (Converted) - Event
Event Type Code: J25
Event Type Description: JUDGE ASSIGNED
Note: RELATED GUARDIANSHIP CASES PR-GU-18-56 DC1 AND PR-GU-18-49 DC1 CASE OPENED
PER AMENS'S LAW OFFICE'S REQUEST

5/22/2018 Proceedings (Converted) - Event
Event Type Code: E05
Event Type Description: EX PARTE APPLICATION
Note: FILED AS EX PARTE EMERGENCY PETITION FOR TEMP APPT OF GUARDIAN

5/22/2018 Proceedings (Converted) - Event
Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: AMENS ESQ'S PROPOSED TEMP ORD APPT GUARDIAN (DATE STAMPED REC'D5/22/18)
PLACED IN DC1 PICK UP BOX @1:24
Action Date: 06/05/2018
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: DENIED STAMP BY NP, NO DATE

5/22/2018 Proceedings (Converted) - Event

Case Summary

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

5/23/2018	Calendared Event (Converted) - Event	For: 6/6/2018	10:45 AM
	Event Date: 06/06/2018 10:45 Event Type Code: GU Event Type Description: GUARDIANSHIP HRG Note: ptn for gnrl grdnshp		
5/29/2018	AFFIDAVIT IN SUPPORT OF PETITION FOR APPOINTMENT OF GUARDIANSHIP - Document		
5/29/2018	PETITION FOR THE APPOINTMENT OF GENERAL GUARDIANS 5.29 - Document		
5/29/2018	Proceedings (Converted) - Event Event Type Code: P05 Event Type Description: PETITION Note: FOR THE APPOINTMENT OF GENERAL GUARDIANS (FILE CHECKED OUT SENT PLEADING TO DC 1)		
5/29/2018	Proceedings (Converted) - Event Event Type Code: A56 Event Type Description: AFFID IN SUPPORT Note: OF PETITION FOR APPOINTMENT OF GUARDIANSHIP (FILE CHECKED OUT SENT PLEADING TO DC 1)		
5/30/2018	JOINT OPPOSITION TO EX PARTE EMERGENCY PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN - Document		
5/30/2018	Proceedings (Converted) - Event Event Type Code: O10 Event Type Description: OPPOSITION Note: TO EX PARTE EMERGENCY PETITION FOR TEMP APPOINTMENT OF GUARDIAN (FILE CHECKED OUT SENT PLEADING TO DC 1)		
5/31/2018	AFFIDAVIT OF MAILING - Document		
5/31/2018	Proceedings (Converted) - Event		

Case Summary

Event Type Code: A61

Event Type Description: AFFID OF MAILING

Note: A COPY OF THE JOINT OPPOSITION TO EX PARTE EMERGENCY PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN WAS SENT TO DEBORAH AMENS, KEVIN T FERGUSON, KRISTIN N STONE AND SHAWN STONE. FILE CHECKED OUT. PLACED PLEADING IN D0'S P/U BOX AT 9:20 AM.

6/5/2018 ORDER APPOINTING ATTORNE - Document

6/5/2018 ORDER TO CHANGE CAPTION - Document

6/5/2018 Proceedings (Converted) - Event

Event Type Code: D61

Event Type Description: DENIED DOCUMENT

Note: STAMPED, DENIED BY NP, NOT DATED DENYING PROPOSED TEMP ORD APPT GUARDIAN (DATE STAMPED REC'D 5/22/18)

6/5/2018 Proceedings (Converted) - Event

Event Type Code: F16

Event Type Description: FILE CHECKED IN BY:

6/5/2018 Proceedings (Converted) - Event

Event Type Code: O12

Event Type Description: ORDER

Note: TO CHANGE CAPTION

6/5/2018 Proceedings (Converted) - Event

Event Type Code: O24

Event Type Description: ORD APPOINTING ATTY

Note: (PER KATRINA SHE MADE COPIES FOR THE ATTORNEY

6/6/2018 Proceedings (Converted) - Event

Event Type Code: H79

Event Type Description: HRG - DC1-GUARDIAN

6/8/2018 Calendared Event (Converted) - Event For: 8/2/2018 10:00 AM

Event Date: 08/02/2018 10:00

Event Type Code: GU

Event Type Description: GUARDIANSHIP HRG

Note: gnrl grdnshp hrng

6/8/2018 Proceedings (Converted) - Event

Case Summary

Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE ORDER APPOINTING TEMP CO-GUARDIANS (FILE NOT HERE BUT HAD HEARING SENT PLEADING UP TO DC 1)
Action Date: 06/21/2018
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORD APPT TEMP CO-GUARDIANS

6/14/2018 SUBPOENA DUCES TECUM DIVISION OF
CHILD AND FAMILY SERVICES- Document
DCFS
1010 RUBY VISTA DR. SUITE 101
ELKO, NV 89801

6/14/2018 SUBPOENA DUCES TECUM DCFS -
Document
DCFS
1010 RUBY VISTA DR, SUITE 101
ELKO, NV 89801
CONCERNING MICHAEL TIMOTHY LUCERO

6/14/2018 SUBPOENA DUCES TECUM ELKO COUNTY
SHERIFF'S DEPT - Document
ELKO COUNTY SHERIFF'S DEPARTMENT
775 W. SILVER ST
ELKO, NV 89801

6/14/2018 SUBPOENA DUCES TECUM DCFS 6.14 -
Document
DCFS
1010 RUBY VISTA DR, SUITE 101
ELKO, NV 89801
CONCERNING PAMELA JEANNIE LUCERO

6/14/2018 SUBPOENA DUCES TECUM ELKO JUSTICE
COURT - Document
ELKO JUSTICE COURT CLERK
571 IDAHO ST
ELKO, NV 89801
CONCERNING MICHAEL LUCERO

6/14/2018 SUBPOENA DUCES TECUM ELKO DISTRICT
COURT CLERK - Document
ELKO DISTRICT COURT CLERK
541 IDAHO ST
ELKO, NV 89801
CONCERNING PAMELA LUCERO

6/14/2018 SUBPOENA DUCES TECUM ECSO -
Document
ELKO COUNTY SHERIFF'S DEPARTMENT
775 W. SILVER ST
ELKO, NV 89801
CONCERNING PAMELA LUCERO

Case Summary

6/14/2018 SUBPOENA DUCES TECUM DCFS 6.14.18 - Document
DCFS
1010 RUBY VISTA DR. SUITE 101
ELKO, NV 89801
CONCERNING JASON STONE

6/14/2018 SUBPOENA DUCES TECUM ELKO JUSTICE COURT 6.14.2018 - Document
ELKO JUSTICE COURT CLERK
571 IDAHO ST
ELKO, NV 89801
CONCERNING PAMELA LUCERO

6/14/2018 SUBPOENA DUCES TECUM ELKO DC CLERK - Document
ELKO DISTRICT COURT CLERK
541 IDAHO ST
ELKO, NV 89801

6/14/2018 SUBPOENA DUCES TECUM ECSO(2) - Document
ELKO COUNTY SHERIFF'S DEPARTMENT
775 W. SILVER ST
ELKO, NV 89801
CONCERNING JASON STONE

6/14/2018 SUBPOENA DUCES TECUM DCFS(3) - Document
DCFS
1010 RUBY VISTA DR SUITE 101
ELKO, NV 89801
CONCERNING KEVIN FERGUSON

6/14/2018 SUBPOENA DUCES TECUM DCFS(4) - Document
DCFS
1010 RUBY VISTA DR, SUITE 101
ELKO, NV 89801
CONCERNING LAKKIN STONE

6/14/2018 SUBPOENA DUCES TECUM(4) - Document
ELKO JUSTICE COURT CLERK
571 IDAHO ST
ELKO, NV 89801
CONCERNING JASON STONE

6/14/2018 SUBPOENA DUCES TECUM(5) - Document
ELKO JUSTICE COURT CLERK
571 IDAHO ST
ELKO, NV 89801

6/14/2018 SUBPOENA DUCES TECUM(6) - Document

Case Summary

ELKO DISTRICT COURT CLERK
541 IDAHO ST
ELKO, NV 89801
CONCERNING KEVIN FERGUSON

6/14/2018 SUBPOENA DUCES TECUM(7) - Document

ELKO COUNTY SHERIFF'S DEPARTMENT
775 W. SILVER ST
ELKO, NV 89801
CONCERNING KEVIN THOMAS

6/14/2018 SUBPOENA DUCES TECUM ELKO DISTRICT COURT - Document

ELKO DISTRICT COURT CLERK
541 IDAHO ST
ELKO, NV 89801
CONCERNING MICHAEL LUCERO

6/14/2018 Proceedings (Converted) - Event

Event Type Code: S29
Event Type Description: SUBPOENA DUC TEC FLD
Note: FOR DCFS FILE CHK'D OUT, PLEADING PLACED IN DC1 BOX @ 2:35 PM

6/14/2018 Proceedings (Converted) - Event

Event Type Code: S29
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6/14/2018 Proceedings (Converted) - Event

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Event Type Code: S29
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Note: FOR ELKO CO. SHERIFF'S DEPT FILE CHK'D OUT, PLEADING PLACED IN DC1 BOX @ 2:35 PM

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Case Summary

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6/14/2018 Proceedings (Converted) - Event

Case Summary

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6/14/2018 Proceedings (Converted) - Event
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Note: FOR ELKO JUSTICE COURT CLERK FILE CHK'D OUT, PLEADING PLACED IN DC1 BOX @ 2:35 PM

6/14/2018 Proceedings (Converted) - Event
Event Type Code: S29
Event Type Description: SUBPOENA DUC TEC FLD
Note: FOR ELKO DISTRICT COURT CLERK FILE CHK'D OUT, PLEADING PLACED IN DC1 BOX @ 2:35 PM

6/14/2018 Proceedings (Converted) - Event
Event Type Code: S29
Event Type Description: SUBPOENA DUC TEC FLD
Note: FOR ELKO CO. SHERIFF'S DEPT FILE CHK'D OUT, PLEADING PLACED IN DC1 BOX @ 2:35 PM

6/21/2018 ORDER APPOINTING TEMPORARY CO-GUARDIANS - Document

6/21/2018 ORDER SETTING HEARING - Document

6/21/2018 Proceedings (Converted) - Event
Event Type Code: Z29
Event Type Description: ORD SETTING HEARING

6/21/2018 Proceedings (Converted) - Event
Event Type Code: O31
Event Type Description: ORD APPT TEMP GDN
Note: THE FERGUSONS, PATERNAL GRANDPARENTS & THE LUCEROS, MATERNAL GREAT-GRANDPARENTS ARE APPT TEMPORARY CO-GUARDIANS OF CARTER THOMAS FERGUSON THE MCGREWS, PATERNAL GRANDPARENTS AND THE LUCEROS, MATERNAL GREAT-GRANDPARENTS ARE APPT TEMPORARY CO-GUARDIANS OF PAISLEY GRACE STONE

6/21/2018 Proceedings (Converted) - Event
Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

6/25/2018 TEMPORARY ORDER APPOINTING GUARDIAN OF PERSON AND ESTATE OF MINOR WARDS - Document

Case Summary

6/25/2018 Proceedings (Converted) - Event
Event Type Code: F30
Event Type Description: FILE CHECK ACCURACY
Note: FILE CHECKED FOR ACCURACY

7/5/2018 Proceedings (Converted) - Event
Event Type Code: C35
Event Type Description: COPIES PREPARED FOR
Note: COPY OF ORDER APPOINTING TEMP CO-GUARDIANS PREPARED FOR PAMELA LUCERO TO PICK UP AT WINDOW.

7/9/2018 CITATION TO APPEAR AND SHOW CAUSE-
Document

7/9/2018 Proceedings (Converted) - Event
Event Type Code: C17
Event Type Description: CITATION
Note: TO APPEAR AND SHOW CAUSE - AUGUST2, 2018 @ 10 A.M. PLEADING REFERERS TO 3 CASES - NO COPIES PROVIDED PR-GU-18-49 PR-GU-18-56 PR-GU-18-67

7/25/2018 Proceedings (Converted) - Event
Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:
Note: DC I for review/signature

8/2/2018 PROOF OF CERTIFIED MAILING -
Document

8/2/2018 Proceedings (Converted) - Event
Event Type Code: F54
Event Type Description: PROOF OF SERVICE
Note: FILED IN OPEN COURT AT 10:22A

8/2/2018 Proceedings (Converted) - Event
Event Type Code: C33
Event Type Description: CONSENT
Note: TO ESTABLISH GUARDIANSHIP FILED IN OPEN COURT @ 10:22

8/2/2018 Proceedings (Converted) - Event
Event Type Code: H79
Event Type Description: HRG - DC1-GUARDIAN

8/2/2018 Proceedings (Converted) - Event

Case Summary

Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE ORDER EXTENDING ORDER APPOINTING TEMP CO-GUARDIANS
Action Date: 08/27/2018
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORDER ENTERED

8/21/2018 CONSENT TO ESTABLISHMENT OF THE
GUARDIANSHIP OF THE MINOR CHILDREN
BY GREAT-GRANDPARENTS- Document

8/27/2018 ORDER EXTENDING ORDER APPOINTING
TEMPORARY CO-GUARDIANS - Document

8/27/2018 ORDER APPOINTING ATTORNEY-
Document

8/27/2018 Proceedings (Converted) - Event
Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

8/27/2018 Proceedings (Converted) - Event
Event Type Code: Q24
Event Type Description: ORD APPOINTING ATTY

8/27/2018 Proceedings (Converted) - Event
Event Type Code: O12
Event Type Description: ORDER
Note: EXTENDING ORDER APPOINTING TEMPORARY CO-GUARDIANS. COPY PLACED IN GERBER'S
P/U BOX AT 9:50 AM 08/28/18.

8/31/2018 Proceedings (Converted) - Event
Event Type Code: C35
Event Type Description: COPIES PREPARED FOR
Note: COPY OF FILE PUT IN LOREMAN'S P/U BOX PER ORDER OF THE COURT.

9/4/2018 Calendared Event (Converted) - Event For: 10/2/2018 1:30 PM
Event Date: 10/02/2018 13:30
Event Type Code: GU
Event Type Description: GUARDIANSHIP HRG
Note: ptn for grdnshp

9/27/2018 Proceedings (Converted) - Event

Case Summary

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

10/1/2018 MOTION TO APPEAR TELEPHONICALLY-
Document

10/1/2018 Proceedings (Converted) - Event
Event Type Code: M75
Event Type Description: MOT TELEPHONE APPEAR

10/1/2018 Proceedings (Converted) - Event
Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE - ORDER TO APPEAR TELEPHONICALLY PLACED
IN DC 1 PICKUP AT 3:36 P.M. PER NOTE FROM KATRINA JUDGE WOULD NOT BE SIGNING THIS
ORDER
Action Date: 10/17/2018
Action Code: NAT
Action Description: NO ACTION TAKEN
Action Comment: FILED UNTIMELY

10/2/2018 PETITION FOR THE APPOINTMENT OF
GENERAL GUARDIANS - Document

10/2/2018 Proceedings (Converted) - Event
Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE - ORDER EXTENDING ORDER APPOINTING
TEMPORARY CO-GUARDIANS
Action Date: 10/17/2018
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORDER EXTENDING

10/2/2018 Proceedings (Converted) - Event
Event Type Code: P11
Event Type Description: PET - APPT OF GDN
Note: FILE CK'D OUT. PLACED PLEADING IN DC1'S P/U BOX AT 10:25 AM.

10/2/2018 Proceedings (Converted) - Event
Event Type Code: H79
Event Type Description: HRG - DC1-GUARDIAN

10/2/2018 Calendared Event (Converted) - Event For: 1/15/2019 9:30 AM

Case Summary

Event Date: 01/15/2019 09:30
Event Type Code: GU
Event Type Description: GUARDIANSHIP HRG
Note: ptn for gnrl grdnshp
Action Date: 01/14/2019
Action Code: CTN
Action Description: CONTINUED

10/10/2018 SUBPOENA DUCES TECUM ELKO COUNTY
SHERIFF'S - Document

ELKO COUNTY SHERIFF'S DEPARTMENT
775 W. SILVER STREET
ELKO, NEVADA 89801
CONCERNING LAKKIN RIVERS STONE

10/10/2018 Proceedings (Converted) - Event

Event Type Code: S29
Event Type Description: SUBPOENA DUC TEC FLD
Note: ELKO COUNTY SHERIFF'S DEP (FILE CHECKED OUT SENT PLEADING TO DC 1)

10/17/2018 ORDER EXTENDING ORDER APPOINTING
TEMPORARY GUARDIANS - Document

10/17/2018 Proceedings (Converted) - Event

Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

10/17/2018 Proceedings (Converted) - Event

Event Type Code: O12
Event Type Description: ORDER
Note: ORDER EXTENDING ORDER APPT TEMP CO GUARDIANS NO COPIES PROVIDED

10/23/2018 CERTIFICATE OF SERVICE - Document

10/23/2018 Proceedings (Converted) - Event

Event Type Code: C10
Event Type Description: CERTIFICATE OF SERV

12/17/2018 Proceedings (Converted) - Event

Event Type Code: C12
Event Type Description: CERTIFIED COPY ISSUE
Note: OF THE ORDER EXTENDING ORDER APPOINTING TEMP CO-GUARDIANS

1/8/2019 Proceedings (Converted) - Event

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature PULLED BY KATRINA @ 11:12

Case Summary

1/14/2019	Calendared Event (Converted) - Event	For: 1/23/2019	9:30 AM
	Event Date: 01/23/2019 09:30 Event Type Code: GU Event Type Description: GUARDIANSHIP HRG		
1/15/2019	ORDER RE-SETTING HEARING. 1.15.19 - Document		
1/15/2019	Proceedings (Converted) - Event		
	Event Type Code: Z17 Event Type Description: ORD RESCHEDULING Note: HEARING (FILE CHECKED OUT SENT PLEADING TO DC 1)		
1/22/2019	Proceedings (Converted) - Event		
	Event Type Code: H79 Event Type Description: HRG - DC1-GUARDIAN		
1/28/2019	Calendared Event (Converted) - Event	For: 4/16/2019	9:30 AM
	Event Date: 04/16/2019 09:30 Event Type Code: GU Event Type Description: GUARDIANSHIP HRG		
1/28/2019	Calendared Event (Converted) - Event	For: 4/17/2019	9:30 AM
	Event Date: 04/17/2019 09:30 Event Type Code: GU Event Type Description: GUARDIANSHIP HRG		
2/1/2019	Proceedings (Converted) - Event		
	Event Type Code: S 29 Event Type Description: SUBPOENA DUC TEC FLD Note: DR JONATHAN DENNIS SLOTHOWER OD (FILE CHECKED OUT SENT PLEADING TO DC1)		
2/1/2019	SUBPOENA DUCES TECUM - Document		
	DR. JONATHAN DENNIS SLOTHOWER, OD 1995 ERRECART BLVD. SUITE #202 ELKO, NV 898001 CONCERNING CARTAR FERGUSON AND PAISLEY STONE		
3/4/2019	SUBPOENA DUCES TECUM ELKO CLINIC - Document		
	ELKO CLINIC, DR. HERNANDEZ, M.D. 1995 ERRECART BLVD #102 ELKO, NV 89801 CONCERNING CARTAR THOMAS AND PAISLEY STONE		
3/4/2019	Proceedings (Converted) - Event		

Case Summary

Event Type Code: S29
Event Type Description: SUBPOENA DUC TEC FLD
Note: ELKO CLINIC DR HERNANDEZ M.D (FILE CHECKED OUT SENT PLEADING TO DC 1)

3/7/2019 Proceedings (Converted) - Event
 Event Type Code: S28
 Event Type Description: SUBMISSION OF ORDER
 Note: GERBER ESQ'S PROPOSED ORD RE-SETTING HRG (DATE STAMPED REC'D 3/7/19) PLACED
 IN DC1 PICK UP BOX @3:39 COPIES WERE SUBMITTED WITH RELATED CASE PR-GU-18-67
 Action Date: 03/13/2019
 Action Code: R99
 Action Description: RESPONSE/ORDER
 Action Comment: ORDER RESETTING HEARING

3/13/2019 ORDER RE-SETTING HEARING. - Document

3/13/2019 Proceedings (Converted) - Event
 Event Type Code: F16
 Event Type Description: FILE CHECKED IN BY:

3/13/2019 Proceedings (Converted) - Event
 Event Type Code: Z22
 Event Type Description: ORD SETTING
 Note: ORDER RESETTING HEARING COPIES IN GERBER'S PICKUP BX APRIL 16 AND 17 ARE NEW
 DATES FOR HEARING

3/20/2019 Proceedings (Converted) - Event
 Event Type Code: C10
 Event Type Description: CERTIFICATE OF SERV

3/20/2019 CERTIFICATE OF MAILING - Document

4/2/2019 REQUEST TO BE EXCUSED - Document

4/2/2019 Proceedings (Converted) - Event
 Event Type Code: R24
 Event Type Description: REQUEST
 Note: TO BE EXCUSED

4/2/2019 Proceedings (Converted) - Event
 Event Type Code: F15
 Event Type Description: FILE CHECKED OUT BY:
 Note: DC I for review/signature

4/2/2019 Proceedings (Converted) - Event

Case Summary

Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE ORDER TO BE EXCUSED (SUBMITTED BY AMENS COPIES PROVIDED)
Action Date: 04/08/2019
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORDER TO BE EXCUSED

4/8/2019 Proceedings (Converted) - Event
 Event Type Code: F16
 Event Type Description: FILE CHECKED IN BY:

4/8/2019 Proceedings (Converted) - Event
 Event Type Code: O12
 Event Type Description: ORDER
 Note: TO BE EXCUSED (COPIES SET IN AMENS BOX)

4/8/2019 Proceedings (Converted) - Event
 Event Type Code: F30
 Event Type Description: FILE CHECK ACCURACY
 Note: FILE CHECKED FOR ACCURACY

4/9/2019 ORDER TO BE EXCUSED - Document

9/3/2019 SUBPOENA DUCES TECUM ELKO CLINIC,
 DR. HERNANDEZ - Document
 ELKO CLINIC, DR. HERNANDEZ, M.D.
 1995 ERRECART BLVD #102
 ELKO, NV 89801 FOR CARTER THOMAS AND PAISLEY STONE.

9/3/2019 SUBPOENA DUCES TECUM GUZMAN EYE
 CARE - Document
 GUZMAN EYE CARE, DR. GUZMAN
 1184 COLLEGE AVE.
 ELKO, NV 89801
 CONCERNING CARTER THOMAS AND PAISLEY STONE.

9/3/2019 Proceedings (Converted) - Event
 Event Type Code: S29
 Event Type Description: SUBPOENA DUC TEC FLD

9/3/2019 Proceedings (Converted) - Event
 Event Type Code: S29
 Event Type Description: SUBPOENA DUC TEC FLD

2/7/2020 Open - Case Status
 Case status change.

Case Summary

2/8/2020 Exhibit Summary (Converted) - Case Notes
Exhibit Type: DOCUMENT
Description: A- EVALUATION
Long Description: PREVAIL BEHAVIORAL HEALTH EVALUATION FOR KRISTIN STONE
Voucher Year: 18
Voucher Number: 58117
Date Logged: 01/25/2019 14:41
Logged By: ADE
Stored Location: ENV V
Quantity: 1
Type: DO
Party Name: STONE, KRISTIN

2/12/2020 ORDER RE-SETTING HEARING - Document

6/17/2020 EX PARTE EMERGENCY MOTION FOR AN ORDER TO SUSPEND CO-GUARDIANS EXCHANGES AND TO LEAVE THE MINOR PROTECTED PERSON IWHT - Document

6/17/2020 SUBMISSION OF EX PARTE ORDER SUSPENDING EXCHANGES - Document Order Filed
1 COPY PROVIDED BY AMENS ESQ. OFFICE
FILE CHECKED OUT PLACED IN DC1 P/U BOX @ 1:55PM.

6/18/2020 EX PARTE ORDER SUSPENDING EXCHANGES - Document

6/18/2020 SUBMISSION JOINT STIP AND ORDER FOR MEDIATION CO-PARENTING COUNSELING - Document Order Filed
(SUBMITTED BY RODRIGUEZ COPIES PREPARED)
(FILE CHECKED OUT SENT PLEADING TO DC 1)

6/19/2020 RESPONSE TO EX PARTE EMERGENCY MOTION FOR AN ORDER TO SUSPEND CO-GUARDIANS EXCHANGES AND - Document
(FILE CHECKED OUT SENT PLEADING TO DC 1)

6/19/2020 DECLARATION OF MARIA DANIELLE MCGREW IN SUPPORT OF RESPONSE TO EX PARTE EMERGENCY MOTION FOR AN ORDER TO SUSPEND CO-GUA - Document
(FILE CHECKED OUT SENT PLEADING TO DC 1)

6/23/2020 JOINT STIPULATION AND ORDER FOR MEDIATION CO-PARENTING COUNSELING - Document
3 COPIES PLACED IN RODRIGUEZ ESQ. P/U BOX
FILE CHECKED OUT PLACED IN DC1 P/U BOX

Case Summary

7/2/2020	REQUEST TO APPEAR TELEPHONICALLY- Document FILE CHECKED OUT GAVE PLEADING BACK TO MERCEDES AT WINDOW	
7/2/2020	ORIGINAL REQUEST TO APPEAR TELEPHONICALLY - Document COPIES MAILED TO AMENS IN SASE	
7/2/2020	SUBMISSION ORDER TO APPEAR TELEPHONICALLY - Document PLACED IN DC 1 P/U BOX	Order Filed
7/7/2020	7.7.20 DC1 Guardianship Minutes - Document	
7/7/2020	ORDER TO APPEAR TELEPHONICALLY- Document COPIES PLACED IN AMENS P/U BOX PLACED IN DC1 P/U BPX @ 4:58	
8/4/2020	REQUEST TO APPEAR TELEPHONICALLY 8.4.20 - Document PLACED IN DC1 BOX	
8/4/2020	SUBMISSION OF ORDER - ORDER TO APPEAR TELEPHONICALLY - Document COPY PROVIDED BY AMENS OFFICE, PLACED IN DC1 BOX	Order Filed
8/4/2020	MOTION TO WITHDRAWAL AS COUNSEL OF RECORD - Document (FILE CHECKED OUT SENT PLEADING TO DC 1)	
8/4/2020	SUBMITTED ORDER ALLOWING MOTION TO WITHDRAWAL AS COUNSEL OF RECORD- Document (SUBMITTED BY LOREMAN AND COPIES PROVIDED) (FILE CHECKED OUT ENT PLEADING TO DC 1)	Order Filed
8/5/2020	8.5.20 DC1 Guardianship Minutes - Document	
10/1/2020	SUBMISSION OF INTERIM ORDER REGARDING GUARDIANSHIP EXCHANGES AND ORDER CONTINUING HEARING - Document FILE CHECKED OUT PLACED IN DC1 P/U BOX	Order Filed
11/24/2020	ORDER RESETTING HEARING - Document	
11/24/2020	INTERIM ORDER REGARDING GUARDIANSHIP EXCHANGES AND ORDER CONTINUING HEARING - Document	

Case Summary

11/25/2020 ORDER ALLOWING MOTION TO
WITHDRAWAL AS COUNSEL OF RECORD-
Document
ORDER APPOINTING ATTORNEY, SIGNED AUGUST 5, 2020

11/25/2020 ORDER TO APPEAR TELEPHONICALLY
11.25.20 - Document

2/1/2021 JOINT STIPULATION AND ORDER VACATING
HEARING AND RE-SETTING HEARING -
Document
COPIES PLACED IN AMENS'S PICKUP BOX

3/1/2021 LETTER FROM JANELL ANDERSON -
Document
PLACED IN DC1 BOX

3/3/2021 NOTICE OF FILING OF CO-PARENTING
REPORT - Document
PLACED IN DC1 BOX

3/4/2021 03.04.21 HRG - GUARDIANSHIP -
Document

3/10/2021 EXHIBIT LIST\EXHIBIT LIST - PETITIONER 3-
8; RESPONSENT A-N - Document

3/10/2021 EXHIBIT LIST\EXHIBIT LIST - HRG 1.23.19
PETITIONER 1 & 2 - Document

3/10/2021 EXHIBIT LIST\EXHIBIT LIST - HRG 1.23.19
RESPONDENT A - Document

3/26/2021 LETTER FROM MOTHER PER REQUEST OF
JUDGE - Document
PLACED IN DC1'S P/U BOX

3/26/2021 ORDER APPOINTING GENERAL GUARDIANS
- Document
PLACED IN DC1'S P/U BOX

3/30/2021 ORDER TO PRODUCE RECORDS -
Document
FILE CHECKED OUT PLACED IN DC1 P/U BOX

5/13/2021 FINDINGS OF FACT AND ORDER GRANTING
GUARDIANSHIP - Document

5/24/2021 NOTICE OF ENTRY OF FINDINGS OF FACT
AND ORDER GRANTING GUARDIANSHIP -
Document

Case Summary

6/4/2021	MOTION FOR RECONSIDERATION - Document	
6/4/2021	SUBMISSION OF ORDER - SUBSTITUTION OF COUNSEL - Document	Order Filed
	COPY PROVIDED BY RODRIGUEZ OFFICE	
6/14/2021	SUBSTITUTION OF COUNSEL - Document	
	ORIGINAL ORDER IN CASE ECDC-PRGU-18-49	
6/25/2021	REQUEST TO SUBMIT RE MOTION TO RECONSIDER - Document	
7/2/2021	TRANSCRIPT OF PROCEEDINGS PETITION FOR GUARDIANSHIP MARCH 4, 2021 - Document	
7/21/2021	ORDER DENYING MOTION TO RECONSIDER - Document	
	ORIGINAL ORDER IN CASE ECDC-PRGU-18-49	
8/4/2021	RENEWED REQUEST TO SUBMIT - Document	
	ORIGINAL DOCUMENT IN CASE ECDC-PRGU-18-49	
8/9/2021	CIVIL COVER SHEET - Document	
8/19/2021	COPIES PREPARED FOR - Case Notes	
	EMAILED HEATHER@AMENSLAWFIRM.COM COPY OF ORDER DENYING MOTION TO RECONSIDER	
8/20/2021	NOTICE OF ENTRY OF ORDER - Document	
	ORDER DENYING MOTION FOR RECONSIDERATION	
8/24/2021	CASE APPEAL STATEMENT- Document	
8/24/2021	NOTICE OF APPEAL - Document	
	MAILED COPY OF APPEAL TO SUPREME COURT	
8/24/2021	NOTICE OF APPEARANCE LISA MENDEZ - Document	
8/24/2021	VOLUME 2 CREATED - Document	
8/24/2021	Credit Card - Payment	
	Payer	Payment Amount
	<u>DEBRA M AMENS</u>	\$24.00

Case Summary

8/24/2021 - Case Notes
MS AMENS WILL BE SENDING A CHECK FOR \$500 FOR THE BOND

8/30/2021 CLERK'S CERTIFICATION - Document

Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC Supreme Court Appeal NRS 19.013 \$24	2--LUCERO, PAMELA-APPEAL TO SUPREME COURT	8/24/2021	\$24.00	\$24.00	\$0.00
Total Personal Obligation(s):			\$24.00	\$24.00	\$0.00
Total Case Obligation(s):			\$24.00	\$24.00	\$0.00

1 CASE NO. ~~PR-GU-18-49~~ PR-GU-18-56, PR-GU-18-67

2 DEPT NO. 1

2021 JUL 21 PM 3:54

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
5 document does not contain the
6 social security number of any person.

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 18

6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSONS AND ESTATES OF
11 CARTER THOMAS FERGUSON (PR-GU-18-49)
12 PAISLEY GRACE STONE, (PR-GU-18-56)
13 PAISLEY GRACE STONE and CARTER
14 THOMAS FERGUSON, PR-GU-18-67,

**ORDER DENYING MOTION
TO RECONSIDER**

12 Minor Protected Persons.
13 _____ /

14 This matter came before the Court on August 6 and 7, 2020, and on March 4, 2021, for a
15 hearing on the petitions in the three above-referenced competing guardianship actions relating to the
16 children, CARTER THOMAS FERGUSON ("Carter"), a male minor child born on January 17,
17 2018, and PAISLEY GRACE STONE ("Paisley"), a female minor child born May 26, 2016. On
18 May 13, 2021, the Court filed its Findings of Fact and Order Granting Guardianship. Maternal great-
19 grandparents (hereinafter "Movants") filed their Motion for Reconsideration of June 7, 2021.

20 Movants did an exceptional job reciting the facts that were presented over the three days of
21 testimony; with the exception of describing a few instances of negative behavior by the paternal
22 grandparents which are alleged to have occurred after the Court's May 13, 2021, Order was entered,
23 however, Movants have not presented the Court with anything new. Even if those instances did
24 occur, the Court is still convinced that the current guardianship order is in the best interests of the
25 minor children.

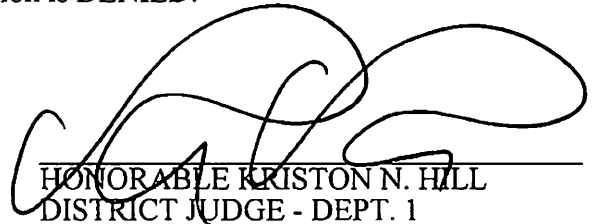
26 Movants next claim that essentially this case has dragged on for too long and that a temporary
27 guardianship order was left in place for almost three years in violation of NRS 159A.053. While this
28 is all valid and supported by the record, Movants did not make any attempts during the pendency of

1 this action to move the case along. Instead, Movants are now attempting to use the historical delays
2 in this case as a ground to convince the current Court to reconsider its position after the Court did
3 not rule in their favor. Movants could have and should have brought the issue of delays before the
4 Court during the underlying case and failed to do so.

5 Having now considered the arguments of the Movants and reviewed the pleadings and other
6 papers on file, the Court concludes that the Motion to Reconsider should be denied.

7 Accordingly, the Motion for Reconsideration is DENIED.

8 DATED this 21st day of July, 2021.


HONORABLE KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

1 **CERTIFICATE OF HAND DELIVERY**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,
3 Department 1, and that on this 21st day of July, 2021, I personally hand delivered a file stamped
4 copy of the foregoing **Order Denying Motion to Reconsider** addressed to:

5 Travis W. Gerber, Esq.
6 Gerber Law Offices, LLP
7 491 4th Street
8 Elko, NV 89801
9 [Box in Clerk's Office]

Debra M. Amens, Esq.
Amens Law, Ltd.
PO Box 488
Battle Mountain, NV 89820
[Box in Clerk's Office]

8 Diana J. Hillewaert, Esq.
9 Hillewaert Law Firm, LLC
10 575 Fifth Street
11 Elko, NV 89801
12 [Box in Clerk's Office]

13 McCrane
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**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF

Date: 06/04/18
Case No.: PR-GU-18-0067
Dept No.: 1

PAISLEY GRACE STONE,
CARTER THOMAS FERGUSON,

Protected Minors.

Petitioners, Michael & Pamela Lucero, present and represented by Debra Amens, Esq.
Respondents, Donald & Vicky Ferguson, present and represented by Zackery Gerber, Esq.
Protected Minors not present and represented by Michelle Rodriguez, Esq.
Court Clerk, Angelina DeMars, present.

GUARDIANSHIP HEARING

The matter was before the Court for a hearing on a Petition for Appointment of Guardians filed on May 22, 2018.

The Court inquired if the parties had reached an agreement.

Mr. Gerber noted that a simple stipulation had been reached and placed the terms on the record.

The Court inquired if the parties were in agreement with the terms.

All parties concurred.

Ms. Amens requested an addition regarding the disparagement clause

All parties concurred.

The Court had all parties sworn and canvassed them regarding the stipulation.

Ms. Rodriguez inquired about others residing in the home.

All parties provided the names of the residents to the Court.

The Court ordered that neither child would be left alone with a non-guardian until Ms. Rodriguez had an opportunity to perform background checks. The Court directed Mr. Gerber to prepare the order. The Court advised the parties that the Guardianship Coordinator and the Judicial Assistant would contact the parties to set the next hearing date.

Court adjourned

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF

Date: 8/02/18
Case No.: PR-GU-18-0000049
PR-GU-18-0000056
PR-GU-18-0000067
Dept No.: 1

CARTAR THOMAS FERGUSON,
PAISLEY GRACE STONE,

A Protected Minors.

Petitioners, Donald & Vicky Ferguson, present and represented by Travis Gerber, Esq.
Petitioners, John and Maria McGrew were present and represented by Travis Gerber, Esq.
Respondents, Michael & Pamela Lucero present and represented by Debra Amens, Esq.
Kristin Stone present and not represented.
Protected Minor not present and represented by Michelle Rodriguez, Esq.
Court Clerk, Faye Fleury, present.

GUARDIANSHIP HEARING

The matter was before the Court for a hearing on a Petition for Appointment of General Guardians.

The Court advised Ms. Stone of her right to an attorney and she has waived the same.

Ms. Rodriguez advised she did have concerns with the current situation with the children. Counsel further advised that after talking with Ms. Stone she was not in agreement with this guardianship even though she had to signed a consent.

Ms. Stoned advised that after she was released from jail she could take care of herself and her children and a guardianship was not needed.

Ms. Rodriguez further advised she has concerns of Ms. Stone representing herself, giving further explanation.

Ms. Lucero advised of her concerns with Ms. Stone and understanding of this proceeding, because she has a learning disability.

The Court inquired if Kristin needed a guardian to help her with this matter

Ms. Ames advised Ms. Lucero was Kristin's guardian until she was 18 years of age.

Shawn Stone, Kristin's mother, advised she would be willing to help Kristin in this matter.

Mr. Gerber advised of current agreement between the potential guardians. Counsel requested evidence be presented and the Court decide what was in the best interest of the children.

Ms. Amens responded.

Ms. Rodriguez advised to maintain the current agreement between co-guardians would be feasible.

The Court inquired if parties agree to maintain status quo until Ms. Stone could obtain her own counsel.

Mr. Gerber advised his clients would agree.

Ms. Amens advised her client would also agree to continue the visitation as is has been proceeding.

The Court requested Ms. Rodriguez to contact Nevada Legal Services to see if they have someone meet with Ms. Stone at the jail.

Ms. Rodriguez advised she would do that.

Mr. Gerber requested a change in the current exchange of the children, giving further explanation.

Ms. Amens so agreed.

The Court **ORDERED** the exchange of the children to take place at the Ferguson home instead of the Shell station.

The Court found good cause and **ORDERED** the Temporary Guardianship will be extended for 60 days.

The Court requested Mr. Gerber to prepare the order.

Court recessed.

**FOURTH JUDICIAL DISTRICT COURT
FILED IN OPEN COURT**

Date: _____

Time: _____

Clerk: _____

Case No PR-GU

Dept. 1

IN THE FOURTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

IN THE MATTER OF THE GUARDIANSHIP OF:

DATES FOR THE GUARDIAN(S)

A Protected Person/Minor

Before the Letters of Guardianship shall issue, the Guardian must file with the Clerk's Office an Acknowledgment of Duties of Responsibilities of the Guardian per NRS 159.073(1)(c). (A copy of the Acknowledgement can be found at <http://www.elkocountynv.net/departments/clerk/clerk/forms.php>)

☐ An inventory of the ward's assets is due: @@@

or

☐ The Court has waived the requirement of the inventory

☐ The first annual accounting on the assets of the ward is due: @@@

or

☐ The Court has waived the requirement of annual accountings.

☐ A statement of condition of the ward is due: @@@

or

☐ No statement of condition of the ward is due. (Applies to guardianships of the estate only)

☐ Copies of identifying documents for protected person _____; Guardian 1 _____; and/ or Guardian 2 _____ is due on _____. Oath of Office/Letters of Guardianship due by _____.

This matter shall come before the Court for a hearing on: @@@ at @@@ am. This foregoing is not an official order of the court, neither is it intended as legal advice. It is provided for your convenience only.

Please contact the Clerk's Office or your attorney for a copy of the official order.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF

Date: 10/02/18
Case No.: PR-GU-18-0000067
Dept No.: 1

CARTAR THOMAS FERGUSON,
PAISLEY GRACE STONE,

A Protected Minors.

Petitioners, Donald & Vicky Ferguson, present and represented by Travis Gerber, Esq.
Petitioners, John and Maria McGrew were present and represented by Travis Gerber, Esq.
Respondents, Michael & Pamela Lucero present and represented by Debra Amens, Esq.

Kristin Stone notpresent and represented by
David Loreman, Esq.

Protected Minors present and represented by Michelle Rodriguez, Esq.
Court Clerk, Faye Fleury, present.

GUARDIANSHIP HEARING

The matter was before the Court for a hearing on a Petition for Appointment of General Guardians.

Mr. Loreman advised he had spoken with Ms. Stone briefly and requested a drug evaluation be completed on Ms. Stone, a formal paternity test be completed on Paisley and actions of all the potential guardians to refer to Ms. Stone as mom in front of the children.

There was no objection to substance abuse evaluation for Ms. Stone.

Mr. Gerber advised Paisley's father was deceased and was found to be the father of Paisley by a paternity test and was paying child support.

Mr. Loreman objected as the test was purchased over the counter and was not valid.

Mr. Loreman advised Ms. Stone was objecting to the guardianship.

The Court requested the paternity test to be produced for all parties to review and if there was still an objection then Counsel could file a Motion on that matter.

Mr. Loreman requested to be excused.

The Court excused Mr. Loreman with no objections from Counsel.

The Court **ORDERED** Ms. Stone to submit to a substance abuse evaluation and the parties refer to her as mom in front of the children.

The Court inquired as to Ms. Amens Motion for Witness, Dena Bennett, Testifying by phone.

Ms. Amens advised of her testimony.

Mr. Gerber advised he was not provided with notice of her testimony and would object to her testimony via phone and would rather have her present in the court room to testify. Counsel further requested Ms. Amens case not be at issue today as the Petition for Permanent Guardianship had just been filed this morning.

The Court inquired as to why Ms. Amens had waited so long to file the Petition for Permanent Guardianship.

Ms. Amens responded and requested the Court allow the Petition for Permanent Guardianship be allowed to be heard today.

Ms. Rodriguez objected to Ms. Bennett testifying by phone today, due to insufficient notice.

The Court advised Ms. Bennett will not be allowed to appear telephonically today to testify as proper notice had not been given.

Ms. Rodriguez advised that Mr. Gerber's Petition for Guardianship was the only petition properly filed before the Court today. Counsel further advised Ms. Stone should be present at this hearing today.

The Court inquired as to where Ms. Stone was today.

Ms. Amens advised that after a meeting with all parties, she was feeling very intimidated and that may be why she was not present today.

The Court inquired if Ms. Rodriguez's opinion on the care the children were receiving from the grandparents.

Ms. Rodriguez advised the children were being treated appropriately by all of the grandparents.

The Court inquired as to mediation between the grandparents.

Mr. Gerber responded. Counsel further advised of concerns of bite marks on Paisley from one of her cousins at the Luceros home. Counsel made recommendations for exchanges to be made on Thursday so the Ferguson's can take Carter to see his father in Reno, who is currently in a transition house.

Ms. Amens did not object to mediation however the schedule that was currently being exercised for visitation was working well.

Ms. Rodriguez agreed with the exchanges for Carter and Fergusons to be changed to Thursday at 4:00pm.

The Court **ORDERED** visitation exchanges for Carter and the Fergusons be changed to Thursday at 4:00pm.

The Court requested parties to reconsider meditation.

The Court **ORDERED** the previous order would remain in effect for 60 days, except the changes made for Thursday visitation.

Ms. Lucero advised regarding Paisley being bit by her cousin. She advised the child was 2 years old and was autistic.

The Court directed the Lucero's not to allow the children alone with Hayden.

The Court requested Mr. Gerber to prepare the order.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF
THE PERSON AND THE ESTATE OF:

Date: 01/23/19
Case No.: PR-GU-18-0049
PR-GU-18-0056
PR-GU-18-0067
Dept No.: 1

PAISLEY GRACE STONE,
CARTER THOMAS FERGUSON,

Minor Protected Persons,

John and Maria McGrew present and represented by Travis Gerber, Esq.
Donald and Vicky Ferguson present and represented by Travis Gerber, Esq.
Michael and Pamela Lucero present and represented by Debra M. Amens, Esq.
Kristin Stone, mother, present and represented by David D. Loreman, Esq.
Kevin Ferguson, father, present and In Pro Per.
Minor Protected Persons present and represented by Michelle Rodriguez, Esq.
Court Clerk, Angelina DeMars, present.

GUARDIANSHIP HEARING

Court convened at 9:58 a.m.

This was the date and time set by the Court for a hearing on a Petition for Guardianship filed April 13, 2018.

The Court noted the presence of the parties and advised that Ms. Rodriguez was in another hearing and unable to attend. The Court stated that it had been advised that Ms. Amens wished to address the Court.

Ms. Amens deferred to Mr. Loreman.

Mr. Loreman stated that his expert witness had fallen ill and would not be able to attend the hearing this morning.

The Court inquired as to the name of the witness.

Mr. Loreman stated the witness was Alberta Andreozzi and added that Ms. Andreozzi had done an evaluation of his client, Ms. Stone.

The Court inquired if Ms. Andreozzi would be able to testify this afternoon.

Ms. Amens added that they had been trying to get in contact with Ms. Andreozzi to inquire if she would be able to appear via CourtCall, but had not been able to get in touch with her.

The Court noted that Mr. Loreman also was scheduled to be in another hearing at this time.

Mr. Loreman stated that he thought he had been able to take care of that, but would like a moment to confirm.

The Court apologized for the delay and stated that it would recess until 1:00 p.m. The Court added that if the hearing was not finished by end of day, the parties could appear tomorrow at 10:15 a.m. to continue the hearing.

Ms. Amens stated that she was scheduled to be in Reno tomorrow, but that it was supposed to be going off. She noted that she would check during the recess and advise the Court. Ms. Amens stated that CourtCall required permission from the Court.

The Court inquired if anyone objected to Ms. Andreozzi appearing via CourtCall.

No objection was offered.

The Court granted Ms. Amens permission to arrange for CourtCall for Ms. Andreozzi.

Court recessed at 10:03 a.m.

Court reconvened at 1:13 p.m.

The Court noted the presence of the parties.

The Court addressed Ms. Amens regarding the witness to appear via CourtCall.

Ms. Amens stated that the witness was going to call in around 2:00 p.m.

The Court directed Mr. Gerber to call his first witness.

Mr. Loreman requested the Rule of Exclusion be invoked.

The Court granted the request and had the courtroom cleared. The Court noted that Mr. Ferguson, the father of Carter Thomas Ferguson, was present and unrepresented. The Court inquired if Mr. Ferguson wished to proceed without counsel.

Mr. Ferguson waived representation.

The Court inquired as to the position of Mr. Ferguson.

Mr. Ferguson advised that he was in agreement with the guardianship.

Maria McGrew was sworn and examined on direct by Mr. Gerber. Mr. Gerber offered Plaintiff's Exhibit 1, six pages of text messages, for identification. Direct examination continued. Mr. Gerber offered Plaintiff's Exhibit 2, weight charts, for identification. Direct examination continued.

Mr. Gerber moved for the admission of Plaintiff's Exhibit 1 and 2. Mr. Loreman objected to both and provided argument. The Court overruled the objection and **ORDERED** Plaintiff's Exhibit 2 admitted. The Court sustained the objection regarding Plaintiff's Exhibit 1. Direct examination continued. Mr. Gerber again moved for the admission of Plaintiff's Exhibit 1. Mr. Loreman submitted it to the Court. The Court **ORDERED** Plaintiff's Exhibit 1 admitted. Direct examination continued. Cross examination by Mr. Loreman. Cross examination by Ms. Amens.

Court recessed at 3:04 p.m.

Court reconvened at 3:26 p.m.

Ms. McGrew resumed the witness stand and was reminded that she was still under oath. Cross examination by Ms. Rodriguez. Re-direct by Mr. Gerber. Re-cross by Mr. Loreman. Re-cross by Ms. Amens. No re-cross by Ms. Rodriguez. Witness examined by the Court. Follow-up by Mr. Gerber. Follow-up by Mr. Loreman. Follow-up by Ms. Amens. No follow-up by Ms. Rodriguez. Witness excused.

Yvonne McGrew was sworn and examined on direct by Mr. Gerber. Cross examination by Mr. Loreman. Cross examination by Ms. Amens. No cross-examination by Ms. Rodriguez. Re-direct by Mr. Gerber. Re-cross by Mr. Loreman, No re-cross by Ms. Amens or Ms. Rodriguez. Witness examined by the Court. No follow-up by any attorney. Witness excused.

The Court **ORDERED** the previous order to remain in effect. The Court directed the parties to remain after the hearing to schedule the next hearing date with the guardianship coordinator.

Court recessed at 4:48 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF
THE PERSON OF:

Date: July 7, 2020
Case No.: ECDC-PRGU-18-67
Dept.: 1

PAISLEY STONE,

Minor Protected Person.

Petitioners Pamela Lucero and Michael Lucero present and represented by
Debra Amens, Esq.

Minor Protected Person not present and represented by
Michelle Rodriguez, Esq.

John McGrew and Maria McGrew present and represented by
Travis Gerber, Esq.
Court Clerk, Lani Broxson, present.

GUARDIANSHIP HEARING

Court convened at 12:04 p.m.

This was the date and time set by the Court for a hearing on a motion to suspend visitation.

The Court noted the presence of the parties.

Ms. Rodriguez advised she had not been given any information from the division.

Ms. Amens called her first Witness, Ms. Geri Goddard.

The Witness, Ms. Geri Goddard was sworn.

Ms. Amens examined the Witness in regards to her qualifications.

Mr. Gerber had no objection to Ms. Goddard being regarded as an expert.

The Court found that Ms. Goddard would be considered an expert in the field of marriage and family therapy.

Ms. Amens examined the Witness on direct.

Mr. Gerber examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

Ms. Amens examined the Witness on re-direct.

The Witness was excused.

Ms. Amens called her second Witness, Ms. Pamela Lucero.

Ms. Rodriguez gave a statement in regards to the different types of parenting between the two households and co-parenting with Ms. Anderson.

The Court **ORDERED** an in camera inspection.

Mr. Gerber gave a statement in regards to a two day trial set in August, and visitation until August.

Ms. McGrew advised that she had spanked the Minor Protected Child and would not do it again.

Mr. Gerber gave a statement in regards to resuming the visitation schedule.

Ms. Amens gave a statement in regards to Ms. Anderson working with the guardians, and a visitation schedule.

The Court excused the Witness due to time constraints.

The Court gave a statement in regards to Ms. Goddard's testimony, and **ORDERED** no corporal punishment on the Minor Protected Child, and further **ORDERED** the Minor Protected Child to remain with the Lucero's, with the McGrew's having visitations, and placed the visitation schedule on the record.

Mr. Gerber to prepare the order.

Court adjourned at 1:17 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF
THE PERSON AND THE ESTATE OF:

Date: 08/05/20
Case No.: PR-GU-18-0049
PR-GU-18-0056
PR-GU-18-0067
Dept. No.: 1

PAISLEY GRACE STONE,
CARTER THOMAS FERGUSON,

Minor Protected Persons,

John and Maria McGrew present and represented by Travis Gerber, Esq.
Donald and Vicky Ferguson present and represented by Travis Gerber, Esq.
Michael and Pamela Lucero present and represented by Debra M. Amens, Esq.
Mother, Kristin Stone present and In Pro Per.
David D. Loreman, Esq. (withdrew as counsel)
Minor Protected Persons present and represented by Michelle Rodriguez, Esq.
Court Clerk, Lani Broxson, present.

GUARDIANSHIP HEARING

Court convened at 9:58 a.m.

This was the date and time set by the Court for a hearing on competing petitions of guardianship.

The Court noted the presence of the parties.

Mr. Loreman moved to withdraw as attorney due to no contact or cooperation from his client, Ms. Stone.

Ms. Amens objected to Mr. Loreman's motion to withdraw.

Ms. Rodriguez had no objection to Mr. Loreman's withdraw.

Mr. Gerber had no objection as long as it would not delay the proceedings.

Ms. Stone advised she had not stayed in contact with Mr. Loreman.

The Court **GRANTED** Mr. Loreman's motion to withdraw as attorney.

The Court noted a petition to appear telephonically filed by Ms. Amens for her witness.

Ms. Amens gave a statement in regards to the petition.

Mr. Gerber had no objection.

Ms. Rodriguez inquired if the witness would appear telephonically or by ZOOM.

Ms. Amens and the Court discussed the options and agreed that the witness would appear by ZOOM tomorrow.

Mr. Gerber gave the names of the witnesses he would be calling today.

The Court confirmed with counsel that Mr. Gerber would present his case today and Ms. Amens would present her case tomorrow.

Mr. Gerber called his first Witness, Detective Mariah Drake.

The Witness, Detective Drake was sworn.

Mr. Gerber examined the Witness on direct.

Ms. Amens examined the Witness on cross.

Ms. Stone examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

The Witness was excused.

Mr. Gerber called his next Witness, Ms. Brenda Kelley-Grace.

The Witness, Ms. Brenda Kelley-Grace was sworn.

Mr. Gerber examined the Witness on direct.

Ms. Amens examined the Witness on cross.

Court recessed at 10:42 a.m.

Court reconvened at 10:56 a.m.

Ms. Amens offered respondent's Exhibit #H- photos of bruises, there being no objection the Court **ORDERED** Exhibit #H admitted, examination continued.

Ms. Rodriguez examined the Witness on cross.

Mr. Gerber examined the Witness on re-direct.

Ms. Amens examined the Witness on re-cross.

Ms. Stone examined the Witness on cross.

Ms. Rodriguez examined the Witness on re-cross.

The Witness was excused.

Court recessed at 11:51 a.m.

Court reconvened at 1:54 p.m.

The Court noted that the Minor Protected Person's father, Mr. Kevin Ferguson was now present in the courtroom.

Mr. Gerber called his next Witness Ms. Lori Moorhead.

The Witness, Ms. Moorhead was sworn.

Mr. Gerber examined the Witness on direct, and made a motion to inspect the DCFS report via in camera inspection.

Ms. Amens stated her objection.

Mr. Gerber laid the foundation for his motion.

Ms. Amens inquired of Ms. Moorhead as to the report.

Ms. Rodriguez inquired of the Court if the Parties would be excused during the review of the report.

The Court advised that the foundation had been laid.

Ms. Amens expounded upon her objection.

Mr. Gerber advised he had not seen the Nevada Initial Assessment Report.

Ms. Rodriguez had no objection for an in camera inspection of the Nevada Initial Assessment Report.

Ms. Stone had no objection.

Ms. Amens gave a statement in regards to confidentiality.

The Court read the NRS that applied to Mr. Gerber's motion, and **ORDERED** the report to be provided to the Court for an in camera inspection, and further advised it would review the report and decide if it would need to be disseminated.

Mr. Gerber continued the examination.

Ms. Amens examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

The Court **ORDERED** the NEIS report to be delivered to the Court today.

Ms. Amens examined the Witness on re-cross.

The Witness was excused.

Mr. Gerber called his next Witness, Ms. Vicky Ferguson.

The Witness, Ms. Ferguson was sworn.

Mr. Gerber examined the Witness on direct, and offered Petitioner's Exhibit #3- texts, there being no objection the Court **ORDERED** Exhibit #3 admitted, the examination continued.

The Court inquired of Mr. Kevin Ferguson if he objected to the guardianship.

Mr. Kevin Ferguson gave a statement in regards to the guardianship.

The Court directed counsel to explain parental preference to Mr. Kevin Ferguson.

Court recessed at 2:37 p.m.

Court reconvened at 2:52 p.m.

Ms. Kristin Stone had not returned from the recess due to emotional problems.

The Court advised it had found a potential ethical problem.

Mr. Gerber gave a statement in regards to his representation on an un-disclosed juvenile in a previous case.

The Court gave a statement in regards to the ethical rule in question, and discussed the prior case with Mr. Gerber.

Ms. Rodriguez gave a statement in regards to the prior case and her involvement, and the resolution of the case, and gave a further statement as to her knowledge of the Parties in the case.

The Court and Ms. Rodriguez discussed the prior case and confidentially.

The Court found that Ms. Rodriguez's confidential knowledge in the previous case would not be a conflict in this case; and discussed with Mr. Gerber as to why he did not believe he had a conflict with this case.

Ms. Amens gave a statement in regards to being unaware of opposing counsel's prior representation.

Ms. Rodriguez gave a statement in regards to the client Mr. Gerber had previously represented.

The Court and Mr. Gerber further discussed his knowledge of the prior juvenile client and potential conflict.

The Court and Mr. Gerber discussed his knowledge as to the substantiated report.

The Court found that the confidential information in the prior juvenile case had been limited to Juvenile proceeding and was not substantially related to this case.

Mr. Kevin Ferguson advised he would consent to the guardianship, and wished to retain parental preference.

Ms. Amens objected in regards to Mr. Kevin Ferguson retaining parental preference.

The Court explained the parental preference would be contingent upon which Parties were awarded guardianship.

Mr. Gerber continued his examination and offered Exhibit #4- Certificate and Exhibit #5- Certificate, opposing counsel stipulated to the admission of Exhibits #4 and #5, the Court **ORDERED** Exhibits #4 and #5 admitted, the examination continued.

Ms. Amens examined the Witness on cross, and requested for Mr. Kevin Ferguson to submit to a drug test.

Mr. Kevin Ferguson agreed to take a urinalysis.

Court recessed at 4:03 p.m.

Court reconvened at 4:20 p.m.

The Court gave the positive results of the drug test.

Ms. Rodriguez examined the Witness on cross, and inquired of the Court as to reviewing the petitions.

Counsel stipulated to not reviewing the petitions again.

Court recessed at 4:32 p.m.

GUARDIANSHIP HEARING

DAY 2

Court convened at 10:57 a.m.

The Court noted the presence of the Parties, with the exception of Mr. Keven Ferguson.

Ms. Amens advised that counsel had stipulated to Exhibits #C- CV, #D- letter, #E- letter, Counsel concurred, the Court **ORDERED** respondent's Exhibits #C, #D, and #E admitted.

Ms. Amens called her first Witness, Ms. Geri Goddard.

The Witness, Ms. Geri Goddard was sworn.

Ms. Amens examined the Witness on direct.

Mr. Gerber examined the Witness on cross.

Ms. Stone examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

Ms. Amens examined the Witness on re-direct.

The Witness was excused.

The Court advised it had read the August 4, 2020 Nevada Initial Assessment Report, had redacted a name from the report, and advised a redacted copy had been given to the attorneys, the Court **ORDERED** the redacted copy to be marked Exhibit #6, admitted and filed confidential, the

Court further advised it had read the August 5, 2020 Nevada Initial Assessment Report, and **ORDERED** it marked as Exhibit #7, admitted and filed confidentially.

Ms. Amens brought up Ms. Anderson, and advised she had only met with Parties once.

Ms. Rodriguez advised counsel would contact Ms. Anderson during the lunch hour and present any recommendation to the Court.

Court recessed at 11:49 a.m.

Court reconvened at 1:24 p.m.

The Court inquired if the Parties had reached an agreement in regards to Carter Ferguson.

Mr. Gerber advised his client was willing to share visitations but wants to make legal decisions.

Ms. Amens advised no agreement had been reached, and gave a further statement in regards to co-guardianship.

Ms. Rodriguez advised Ms. Anderson had met with parties twice and further stated Ms. Anderson's concerns and goals for the Parties.

Mr. Gerber gave statement in regards to additional dates for this hearing, and made a motion for the Court to make a determination to return to the status quo.

Ms. Amens stated her understanding of the status quo.

The Witness, Ms. Ferguson returned to the stand, Ms. Rodriguez resumed her examination.

Mr. Gerber examined the Witness on re-direct.

Ms. Amens examined the Witness on re-cross.

The Court examined the Witness.

Ms. Amens examined the Witness on re-cross.

The Witness was excused.

Mr. Gerber called his next Witness, Mr. Donald Ferguson.

The Witness, Mr. Ferguson was sworn.

Mr. Gerber examined the Witness on direct.

Ms. Amens examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

The Witness was excused.

Court recessed at 2:17 p.m.

Court reconvened at 2:53 p.m.

Mr. Gerber called his next Witness, Ms. Maria McGrew.

The Witness, Ms. McGrew was sworn.

Mr. Gerber examined the Witness on direct.

Ms. Amens examined the Witness on cross.

Ms. Rodriguez examined the Witness on cross.

The Court, Ms. Stone, and Counsel discussed the Parties wishes.

The Court gave a statement in regards to the concerns and **ORDERED** the temporary guardianship to return to the status quo with alternating weeks, the Parties to continue in counselling with Ms. Anderson, further **ORDERED** none of the Parties are to discuss to, or make remarks in front of the Minor Child in regards to this case.

Mr. Gerber to prepare the order.

The Court **ORDERED** a hearing set for August 25, 2020 at 9:00 a.m.

Court recessed at 5:12 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable KRISTON N. HILL, District Judge,
and Officers of the Court.

IN THE MATTER OF THE GUARDIANSHIP OF

Date: 03/04/21

Case No.: PR-GU-18-49

PR-GU-18-56

PR-GU-18-67

Dept.: 1 – Commissioner's Room

CARTER THOMAS FERGUSON (PR-GU-18-49),
PAISLEY GRACE STONE (PR-GU-18-56),
CARTER THOMAS FERGUSON and
PAILEY GRACE STONE (PR-GU-18-67),
Minor Protected Persons.

John and Maria McGrew present and represented by Travis Gerber, Esq.
Donald and Vicky Ferguson present and represented by Travis Gerber, Esq.
Michael and Pamela Lucero present and represented by
Debra M. Amens, Esq.

Mother, Kristin Stone present and In Pro Per.
Natural Father (of Carter Ferguson), Kevin Ferguson, not present and not represented.
Minor Protected Persons present and represented by Michelle Rodriguez, Esq.
Court Clerk, Darla Malotte, present.
Tonja Lemich present as Court Reporter.

GUARDIANSHIP HEARING

Court convened at 10:21 a.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for a hearing on a Petition for Guardianship filed April 13, 2018 in case PR-GU-18-49; Petition for Guardianship filed April 23, 2018 in case PR-GU-18-56; and Petition for Guardianship filed May 29, 2018 in case PR-GU-18-67.

The Court noted that this is a continuation of a hearing held August 5, 2020 through August 6, 2020 and at that time Judge Porter presided in this matter. The Court further noted that Mr. Gerber was presenting his case at the conclusion of the August 6, 2020 hearing and directed Mr. Gerber to call his next witness.

Janell Anderson was sworn and examined on direct by Mr. Gerber. Witness examined on cross by Ms. Rodriguez. Witness examined on cross by Ms. Amens. Ms. Stone had no questions of the Witness. No redirect by Mr. Gerber. Witness excused.

Mr. Gerber rested its case.

The Court directed Ms. Amens to call her first witness.

Kristin Stone was sworn and examined on direct by Ms. Amens. Mr. Gerber had no cross examination of the Witness. Ms. Rodriguez examined the Witness on cross examination. Ms. Amens examined the Witness on redirect. Witness excused.

Geri Goddard was sworn and examined on direct by Ms. Amens.

Court recessed for lunch at 11:57 a.m.

Court reconvened at 1:04 p.m.

The Court noted the presence of the parties and further noted that Ms. Amens had completed direct examination of witness Geri Goddard.

Mr. Gerber had no cross examination. Ms. Rodriguez examined the Witness on cross examination. The Court presented a follow up question. Ms. Amens examined the Witness on redirect. No recross examination by Mr. Gerber. No recross examination by Ms. Rodriguez. Ms. Stone had no questions of the Witness. Witness excused.

Pamela Lucero was sworn and examined on direct by Ms. Amens. Ms. Amens offered Respondent's Exhibit K, Photographs of Lucero Home, for admission.

Ms. Rodriguez examined the Witness on voir dire regarding Plaintiff's Exhibit K.

There being no objection by Ms. Rodriguez, Ms. Stone and Mr. Gerber, the Court **ORDERED** Respondent's Exhibit K, Photographs of Lucero Home, admitted.

Ms. Amens continued direct examination of the Witness. Ms. Amens offered Respondent's Exhibit L, Northeastern Nevada Regional Hospital Dietitian Initial Assessment, for admission.

There being no objection, the Court **ORDERED** Respondent's Exhibit L, Northeastern Nevada Regional Hospital Dietitian Initial Assessment, admitted.

Ms. Amens continued direct examination of the Witness. Witness examined on cross by Mr. Gerber. Mr. Gerber presented a letter. Ms. Amens presented an objection and advised it was not admitted as an exhibit. Ms. Rodriguez advised that the letter had been included in the Petition. Mr. Gerber presented further argument.

The Court overruled the objection and Mr. Geber continued cross examination of the Witness.

Court recessed for break at 2:13 p.m.

Court reconvened at 2:29 p.m.

The Court advised Mr. Gerber to proceed.

Pamela Lucero resumed the stand and Mr. Gerber continued cross examination of the Witness. Ms. Rodriguez examined the Witness on cross examination. Ms. Rodriguez requested that the Court take judicial notice of case DR-MD-93-0025426.

The Court advised that it would take judicial notice of case DR-MD-93-0025426.

Ms. Rodriguez continued cross examination of the Witness. Ms. Stone had no questions of the Witness.

Ms. Amens requested to examine with Witness outside the scope of direct examination.

The Court advised Ms. Amens that she would be permitted to examine the witness outside the scope.

Ms. Amens examined the Witness on redirect examination. Witness excused.

Michael Lucero was sworn and examined on direct by Ms. Amens. Mr. Gerber had no cross examination of the Witness. Ms. Rodriguez examined the Witness on cross examination. Ms. Stone had no questions of the Witness. No redirect examination by Ms. Amens. Witness excused.

Ms. Amens rests her case in chief.

Ms. Rodriguez had no evidence to present.

Ms. Stone advised that she had no evidence to present.

Mr. Gerber advised that he had no further evidence to present.

Ms. Rodriguez requested the Court be permitted an in-camera review of any and all Division and Family Services (DCFS) reports involving the Petitioners in this matter.

Ms. Amens presented objection.

Ms. Rodriguez presented argument in support of an in-camera view of the DCFS records of the Petitioners.

Mr. Gerber had no objection.

Ms. Stone had no objection.

Ms. Amens presented further argument.

The Court **ORDERED** an in-camera review of the DCFS records of the Petitioners.

The Court directed Ms. Rodriguez to prepare the order.

The Court advised that it was not the original judge seated in this matter and inquired if Counsel wished to submit closing argument briefs or submit proposed order.

Ms. Rodriguez requested to submit a proposed order.

Mr. Gerber requested to submit a proposed order.

Ms. Amens requested to submit a proposed order.

The Court advised Ms. Stone that she would be permitted to submit a letter regarding her request.

The Court and Counsel discussed a deadline date for the proposed order.

The Court **ORDERED** the parties to submit their proposed order by March 26, 2021 and Ms. Stone to submit a letter by March 26, 2021.

Mr. Gerber requested that copies of the CDs be made of the prior hearings for reference for their proposed order.

Ms. Amens requested a transcript of today's hearing.

The Court advised Counsel that they would be provided copies of the CD recordings of the August 2020 hearing and Counsel were to make arrangement with the Court Reporter for transcript of today's hearing.

Court adjourned at 4:02 p.m.

PGM ID-EXEXIPS
DATE 8/30/2021

ELKO COUNTY COURT SYSTEM
EXHIBIT DATA FOR:

PAGE 1

STONE, KRISTIN

PRGU180000067-006

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
A- HRG 01/23/19	PREVAIL BEHAVIORAL HEALTH EVAULATION	ENV V	1/25/19	ADE	

**ECDC-PRGU-18-67 - IN THE MATTER OF THE GUARDIANSHIP OF:
STONE, PAISLEY & FERGUSON, CARTER**

**CASE ID: 18-1091
JUDGE: KRISTON N HILL
CASE ID: 18-1091
JUDGE: NANCY PORTER**

Number	Description	Location	Marked Dt	Admitted Dt
3	Texts	Elko County Clerk's Office	8/5/2020	8/5/2020
4	Certificate	Elko County Clerk's Office	8/5/2020	8/5/2020
5	Certificate	Elko County Clerk's Office	8/5/2020	8/5/2020
6	NIA REPORT ***SEALED CONFIDENTIAL***	Elko County Clerk's Office	8/6/2020	8/6/2020
7	NIA REPORT ***SEALED CONFIDENTIAL***	Elko County Clerk's Office	8/6/2020	8/6/2020
8	Photos of Fire Place	Elko County Clerk's Office	8/6/2020	
A	Attorney Communication	Elko County Clerk's Office	8/5/2020	
B	Attorney Communication	Elko County Clerk's Office	8/5/2020	
C	Geri Goddard's CV	Elko County Clerk's Office	8/5/2020	8/6/2020
D	Letter	Elko County Clerk's Office	8/5/2020	8/6/2020
E	Letter	Elko County Clerk's Office	8/5/2020	8/6/2020
F	NEIS Report	Elko County Clerk's Office	8/5/2020	
G	NEIS Report	Elko County Clerk's Office	8/5/2020	
H	Photos	Elko County Clerk's Office	8/5/2020	8/5/2020
I	Photos	Elko County Clerk's Office	8/5/2020	
J	Dr. Report	Elko County Clerk's Office	8/5/2020	
K	Photos of House	Elko County Clerk's Office	8/5/2020	3/4/2021
L	Northeastern Nevada Regional Hospital Dietitian Initial Assessment	Elko County Clerk's Office	3/4/2021	3/4/2021
M	The Elko Clinic 1/18/21 Paisley Stone	Elko County Clerk's Office	3/4/2021	
N	The Elko Clinic Medical Records	Elko County Clerk's Office	3/4/2021	

Case No. PR-GU-18-67

Dept. No. 1

FILED

2021 AUG 30 PM 3:40

ELKO CO DISTRICT COURT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

CLERK _____ DEPUTY _____

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF

CLERK'S CERTIFICATION

PAISLEY GRACE STONE (dob 5/27/16),
and CARTAR THOMAS FERGUSON

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. PR-GU-18-67 Dept. 1, IN THE MATTER OF THE GUARDIANSHIP OF THE PERSON AND ESTATE OF PAISLEY GRACE STONE (dob 5/27/16), and CARTAR THOMAS FERGUSON (dob 1/17/18), as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on August 30, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By



Annette Marshall, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. PR-GU-18-67 Dept. 1, IN THE MATTER OF THE GUARDIANSHIP OF THE PERSON AND ESTATE OF PAISLEY GRACE STONE (dob 5/27/16), and CARTAR THOMAS FERGUSON (dob 1/17/18), as appears on file and of record in this Court, to the following:

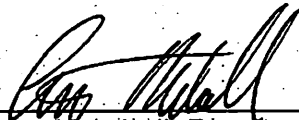
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Strasburg, CO 80136
timmy.lucero322@gmail.com

DATED this 30th day of August, 2021.



Annette Marshall, Deputy Clerk