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Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

IN THE MATTER OF THE  
GUARDIANSHIP OF: CHRISTINE B.  
JOHNSON, A/K/A CHRISTINE B.  
WEIDERMAN, AN ADULT  
PROTECTED PERSON.

**Case No.: 83912-COA  
District Court Case No. G055340**

CHRISTINE B. JOHNSON, A/K/A  
CHRISTINE B. WEIDERMAN,  
Appellant,

vs.

KAREN KELLY, CLARK COUNTY  
PUBLIC GUARDIAN; AND  
MOUNTAIN VIEW CARE CENTER,

Respondents,

**NOTICE OF WITHDRAWAL OF EMERGENCY MOTION FOR STAY  
UNDER NRAP 27(E)**

1 Please take notice that Appellant, Christine Johnson, hereby withdraws her  
2 Emergency Motion Under NRAP 27(e) that was filed on December 17, 2021.  
3

4 Christine originally filed her emergency motion with this Court based on the  
5 district court's delay in ruling on her motion to stay before that court. This Court  
6 entered an Order Regarding Stay on December 21, 2021, in which it stated that it  
7 would defer ruling on Appellant's stay motion pending the district court's  
8 resolution of the motion before it. Then, on December 29, 2021, the district court  
9 finally entered its Order Granting Protected Person's Request for Stay; and Order  
10 Denying Clark County Public Guardian's Counter-petition for Advice and  
11 Instruction. *See Order*, attached hereto as **Exhibit 1**.  
12  
13  
14

15 Because the district court granted the motion to stay that was pending before  
16 it, there is no longer any need for Appellant to seek an emergency order from this  
17 Court staying the guardianship. Therefore, Appellant hereby withdraws her  
18 Emergency Motion Under NRAP 27(e) filed on December 17, 2021.  
19  
20  
21  
22  
23

24 ///

25 ///

26 ///

1 DATED this 4<sup>TH</sup> day of January, 2022.

2  
3 **LEGAL AID CENTER OF**  
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5 */s/ Scott Cardenas, Esq.*

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*None.*

4

Exhibit 1

Exhibit 1

1     ORDR

2                                 **EIGHTH JUDICIAL DISTRICT COURT**  
3                                 **FAMILY DIVISION**  
4                                 **CLARK COUNTY NEVADA**

5     In the Matter of the Guardianship of the     )     Case No.: G-21-055340-A  
6     Person and Estate:                                 )     Dept. No.: B  
7   )  
7     Christine Johnson,                                 )  
8   )  
8     Protected Person(s).                                 )  
9     \_\_\_\_\_ )

10                                 **ORDER GRANTING PROTECTED PERSON'S REQUEST FOR**  
11                                 **STAY; AND ORDER DENYING CLARK COUNTY PUBLIC**  
12                                 **GUARDIAN'S COUNTERPETITION FOR ADVICE AND**  
13                                 **INSTRUCTION**

14                 Petition for Appointment of the Clark County Public Guardian was  
15     filed on August 23, 2021. The Petition alleged that the Proposed Protected  
16     Person was primarily suffering from Amyotrophic Lateral Sclerosis (ALS)  
17     and major depressive disorder. The Petition alleged that no one was  
18     authorized to make medical decisions on behalf of the Proposed Protected  
19     Person or obtain Medicaid benefits to pay for the Proposed Protected  
20     Person's medically necessary care. The Petition alleged that the Proposed  
21     Protected Person's significant other was currently in custody relative to  
22     domestic violence charges and the Proposed Protected Person's children  
23     were persons of interest in an APS Investigation.  
24  
25  
26  
27  
28

1 Clark County Public Guardian was appointed on November 4, 2021.

2 On December 13, 2021, Counsel for Protected Person filed a request  
3  
4 for stay in the District Court. The Court heard the request for stay on an  
5 order shortening time three days later.

6 The Clark County Public Guardian filed a response and a  
7  
8 counterpetition for advice and instructions on December 15th. Karen Kelly,  
9 Clark County Public Guardian, indicated that she took no position on the  
10 motion for stay. *See* Response to Motion for Stay at page 2. The Public  
11 Guardian further requested additional instructions regarding: honoring the  
12 Protected Person's POLST contrary to medical opinions; and honoring  
13 Protected Person's wishes for confidentiality contrary to Nevada  
14 guardianship law. First, Protected Person made advanced directives relative  
15  
16 to end-of-life health care. However, the Protected Person's directive is  
17  
18 contrary to at least two doctors' recommendation of DNR/DNI status because  
19  
20 the lifesaving treatment would be extremely painful and not likely to increase  
21 the Protected Person's quality of life. Second, Protected Person requested  
22  
23 that her family not be made aware of her location and medical information.  
24 However, that request is contrary to the Guardian's explicit duty, including  
25 NRS 159.0807 which requires that family members be notified if the  
26 Protected Person is moved and NRS 159.0809 which requires that family  
27  
28 members be notified of impending death.

1 At the December 16th Hearing, Counsel for Protected Person had not  
2 yet responded to the Public Guardian's Counterpetition for Advice and  
3 Instructions. Counsel for Protected Person was given additional time to  
4 discuss the issues raised in the Public Guardian Petition with the Protected  
5 Person and respond.  
6

7  
8 Several of the Protected Person's children appeared at the Hearing.  
9 Counsel for the Protected Person requested they be removed from the  
10 Hearing and not be allowed to address the Court. The Court declined and  
11 allowed the family to remain in the public hearing and address the Court. The  
12 Petition for Advice and Instructions related directly to the family's ability to  
13 communicate and visit with the Protected Person and obtain information  
14 about the Protected Person. Further, no request to seal had been filed and no  
15 request to limit communication and contact had been filed. See NRS  
16 159.328(1)(d) and NRS 159.0617.  
17  
18  
19

20 Counsel for Protected Person filed her Reply on December 20, 2021.

21 There were no objections to the Protected Person's request for stay  
22 and, accordingly, it shall be granted. *See generally Walls v. Brewster*, 112  
23 Nev 175, 178-179 (1996).  
24

25 Therefore, the requests from the Clark County Public Guardian for  
26 instructions relative to the Protected Person's POLST contrary to medical  
27 opinion and Protected Person's desire to withhold her location and medical  
28



1 information from her family contrary to Nevada Guardianship law are  
2 denied, without prejudice, as they are moot.

3  
4 IT IS HEREBY ORDERED the Order Appointing Guardian shall be  
5 stayed.

6 IT IS FURTHER ORDERED that the Letters of Guardianship shall be  
7  
8 revoked, pending the stay.

9 IT IS FURTHER ORDERED that the Public Guardian's request for  
10 advice and instructions is moot pending the stay and therefore denied,  
11  
12 without prejudice.

13 IT IS FURTHER ORDERED that a status check regarding the stay be  
14 scheduled for the Court's Chambers Calendar on June 29, 2022.

15  
16 IT IS SO ORDERED.

Dated this 29th day of December, 2021

*Linda Marquis*

55B 753 FB07 96CC  
Linda Marquis  
District Court Judge