

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND HALL,

Appellant,

v.

JUSTIN MARTIN,

Respondent.

Case No.: 83979

Electronically Filed
Apr 11 2022 03:59 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT’S MOTION TO DIRECT THE DISTRICT COURT TO
TRANSMIT TRIAL EXHIBITS EE, GG, AND II TO SUPREME COURT**

COMES NOW, Appellant, Diamond Hall, by and through her attorney Amy A. Porray, Esq. of McFarling Law Group, and hereby requests an Order to Direct the District Court to Transmit Video Trial Exhibits EE, GG, and II to Supreme Court. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Amy A. Porray, Esq., and all other papers and pleadings on file herein.

DATED this 11th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Appellant,
Diamond Hall

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

This is an appeal from the district court's Decision and Order in a child custody case. The trial exhibits to be transmitted are all video exhibits that were admitted by Respondent, Justin Martin. Justin and Appellant, Diamond Hall, testified to the exhibits' contents during trial. The district court relied on the same when making its findings and orders being challenged on appeal.

II. LEGAL ARGUMENT

A. This Court Should Direct the District Court to Transmit Video Trial Exhibits to the Clerk of the Supreme Court

NRAP 10(b)(2) provides, "If exhibits cannot be copied to be included in the appendix, the parties may request transmittal of the original exhibits to the clerk of the Supreme Court under Rule 30(d)." NRAP 30(d) provides, "Copies of relevant and necessary exhibits shall be clearly identified, and shall be included in the appendix as far as practicable. If the exhibits are too large or otherwise incapable of being reproduced in the appendix, the parties may file a motion requesting the court to direct the district court clerk to transmit the original exhibits. The court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the court's review of the original exhibits is necessary to the determination of the issues."

Diamond requests that this Court direct the video exhibits to be transmitted. Diamond is unable to submit those to this Court for review. Pursuant to the rules, the district court may be directed to transmit an exhibit and should be directed to transmit Trial Exhibits: EE, GG, and II. Those exhibits were admitted at trial and were relevant to the district court's findings and orders.

III. CONCLUSION

Based on the foregoing, the Court should issue an order directing the district court to transmit Trial Exhibits EE, GG, and II to the Supreme Court.

DATED this 11th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

DECLARATION OF AMY A. PORRAY, ESQ.

I, Amy A. Porray, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Appellant in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 1th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Appellant
Diamond Hall

VERIFICATION

The undersigned counsel of record certifies as follows: I hereby certify that this motion complies the requirements of NRAP 27, has been prepared in a proportionally spaced typeface using Microsoft Word–Office 365 Business in font type Times New Roman size 14, and is less than 10 pages long. I also certify that the information provided in this motion is true and complete to the best of my knowledge, information, and belief.

DATED this 11th day of April, 2022.

MCFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

NRAP 26.1 STATEMENT

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1 (a) and must be disclosed. These representations are made in order that the justices of this Court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly-held companies owning 10 percent or more of the party's stock: N/A

2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the district court or before an administrative agency) or are expected to appear in this Court:

McFarling Law Group, Amy A. Porray, Esq.

Hitzke & Ferran, LLP, Erick Ferran, Esq.

Leavitt & Flaxman, Brandon K. Leavitt, Esq., Michael C. Flaxman, Esq., and Elizabeth Ellison, Esq.

Leavitt Family Law Group, Brandon K. Leavitt, Esq. and Elizabeth Ellison, Esq.

Patricia A. Marr, Ltd., Patricia A. Marr, Esq.

Page Law, Fred Page, Esq.

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3. If litigant is using a pseudonym, the litigant's true name: None.

DATED this 11th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 11th day of April, 2022, I served a true and correct copy of Appellant's Motion To Direct The District Court To Transmit Trial Exhibits A, D, E, J, O, and P To The Supreme Court as follows:

☒ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

Justin Martin
114 Sterling Court
Henderson, NV 89015

/s/ Crystal Beville
Crystal Beville