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*The undersigned affirms that this document contains no
Social Security Numbers pursuant to NRS 239B.030*

Electronically Filed
Oct 29 2021 02:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

6 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

7 **OFFICE OF THE CLERK**

8
9 IN THE MATTER OF THE
10 GUARDIANSHIP OF THE PERSON
11 AND ESTATES OF C.T.F. AND
12 P.G.S., MINOR PROTECTED
13 PERSONS.
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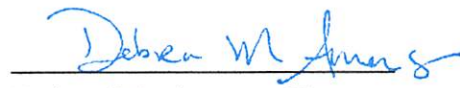
Supreme Court No. 83443
District Court Case No. PR-GU-18-67

JOINT APPENDIX
VOLUME VI

16 Pursuant to NRAP 3E(d)(1), 3E(d)(4) and this Court's order dated July 21,
17 2021, following is Appellant's Appendix in support of their Fast Track Statement.
18 Parties met and conferred and agreed to file this as a joint appendix.
19

20
21 DATED this 27th day of October, 2021.
22

23 AMENS LAW, Ltd.

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

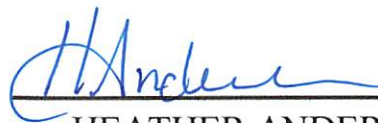
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I work for AMENS LAW, LTD,
and that on the 27th day of October, 2021, I served a copy of the Joint Appendix
by delivering a true and correct copy of same in a sealed envelope with a C.D.,
properly addressed via first class mail, with postage thereon fully prepaid to the
following:

GERGER LAW OFFICE
TRAVIS GERBER, ESQ.
491 4th Street
Elko, Nevada 89801
Attorney for Respondents

HILLEWAERT LAW OFFICE
DIANA HILLEWAERT, ESQ.
575 5th Street
Elko, Nevada 89801
Attorney for Children



HEATHER ANDERSEN, Paralegal

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VOLUME VI

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1 CASE NO. PR-GU-18-67

2 DEPT. NO. 1

3 AFFIRMATION:

4 Pursuant to NRS 239B.030 this document
does not contain a social security number.

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CLERK DEPUTY

CLERK DEPUTY

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF
10 PAISLEY GRACE STONE, DOB 5/27/16, and
CARTAR THOMAS FERGUSON, DOB
1/17/18

11 Minor Protected Person.

JOINT OPPOSITION TO EX PARTE
EMERGENCY PETITION FOR
TEMPORARY APPOINTMENT OF
GUARDIAN

12
13 COMES NOW, Petitioners, DONALD WILLIAM FERGUSON and VICKY LYNNE
14 FERGUSON (Paternal Grandparents of CARTAR THOMAS FERGUSON)("FERGUSON"), and
15 JOHN ADAM MCGREW and MARIA DANIELLE MCGREW (Paternal Grandparents of
16 PAISLEY GRACE STONE)("MCGREW"), by and through their attorney, TRAVIS W. GERBER,
17 ESQ., of GERBER LAW OFFICES, LLP, and hereby file this Joint Opposition to the Ex Parte
18 Emergency Petition for Temporary Appointment of Guardian of Person and Estate of Minor Ward,
based on the following facts:

19 1. Petitioners in Case No. PR-GU-18-49, DONALD WILLIAM FERGUSON and
20 VICKY LYNNE FERGUSON are married and are the paternal grandparents of CARTAR
21 THOMAS FERGUSON. CARTAR THOMAS FERGUSON was placed in their care by the
22 child's natural mother, KRISTIN NICOLE STONE, who signed a Consent for Guardianship on
23 May 25, 2018, a copy of which is filed with the Court.

24 2. Petitioners in Case No. PR-GU-18-56, JOHN ADAM MCGREW and MARIA
25 DANIELLE MCGREW are married and are the paternal grandparents of PAISLEY GRACE
26 STONE. PAISLEY GRACE STONE was placed in their care by the child's natural mother,
27
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6-1-18

1 **KRISTIN NICOLE STONE**, who signed a Consent for Guardianship on May 25, 2018, a copy of
2 which is filed with the Court.

3 3. **KRISTIN NICOLE STONE** is currently incarcerated in the Elko County Jail. Prior
4 to being arrested, she voluntarily placed the children in the care of **FERGUSON** and **MCGREW**
5 while she was seeking rehabilitation for drug addiction.

6 4. The emergency ex parte Petition should not be granted because:

7 A) There is no emergency. The natural mother has consented to guardianship with
8 Petitioners **FERGUSON** and **MCGREW** and placed her children in their care while she sought
9 rehabilitation for drug addiction. She is currently incarcerated in the Elko County Jail.

10 B) The Ex Parte Petition cannot be granted because Petitioner **LUCERO** failed
11 to comply with NRS 159.052(1)(b) which requires an ex parte petitioner to include:

12 (b) Facts which show that:

13 (1) The petitioner has tried in good faith to notify the persons
14 entitled to notice pursuant to NRS 159.047 by telephone or in
15 writing before the filing of the Petition.

16 In this case, Petitioner **LUCERO** filed her ex parte petition without any
17 attempt to notify the other family members and Petitioners who are entitled to notice. Notice was
18 feasible and was not given until after the Petition was filed, which is a violation of NRS
19 159.052(1)(b). Therefore the Petition was not filed in good faith and should be denied for failure to
20 comply with NRS 159.052(1)(b).

21 C) **KRISTIN NICOLE STONE** initially left the children in the care of
22 Petitioners **FERGUSON** and **MCGREW** and signed temporary guardianships for them to care for
23 her children. **KRISTIN NICOLE STONE** then signed Consents to Guardianship which were filed
24 with this Court with the Petitions filed by Petitioners **FERGUSON** and **MCGREW**. Petitioner
25 **LUCERO** alleges that **KRISTIN NICOLE STONE** was "prompted" or bribed to sign the Consents,
26 however any such allegations are unsupported by facts or affidavit and are false. Again, on May 25,
27 2018, **KRISTIN NICOLE STONE** reaffirmed and signed Consents to Guardianship in the presence
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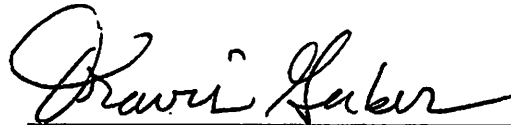
1 of two witnesses which are filed with the Court, electing to leave her children with Petitioners
2 **FERGUSON and MCGREW.**

3 D) Petitioner **LUCERO** presents no good cause why the children should be
4 removed from the care of Petitioners **FERGUSON and MCGREW** and transferred to her care. It
5 is in the best interest of the children to remain in the care of Petitioners **FERGUSON and**
6 **MCGREW.**

7 E) A hearing has been set for June 6, 2018 on the Petitions of **FERGUSON and**
8 **MCGREW.** The children are not in any "substantial and immediate risk of physical harm or to a
9 need for immediate medical attention," therefore the ex parte petition should be denied.

10 DATED this 29th day of May, 2018.

11 **GERBER LAW OFFICES, LLP**

12 

13 **TRAVIS W. GERBER, ESQ.**

14 Nevada State Bar #8083

15 491 4th Street

16 Elko, Nevada 89801

17 775-738-9258

18 **ATTORNEY FOR PETITIONERS**

19 **FERGUSON AND MCGREW**

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CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES, LLP, and that on the ____ day of May, 2018, I deposited for mailing, postage prepaid, at Elko, Nevada, a true copy of the foregoing *Opposition* addressed as follows:

Deborah M. Amens
Amens Law, Ltd.
P.O. Box 488
Battle Mountain, Nevada 89820

Kevin Thomas Ferguson
Elko County Jail
775 W Silver Street
Elko, Nevada 89801

Kristin Nicole Stone
Elko County Jail
775 W Silver Street
Elko, Nevada 89801

Shawn Stone
200 Viewcrest Drive
Spring Creek, Nevada 89815

1 CASE NO. PR-GU-18-67

2 DEPT. NO. 1

3 Affirmation: Pursuant to NRS 239B.030,
4 this document does not contain the social
5 security number of any person.

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

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

10 PAISLEY GRACE STONE (dob 5/27/16), and
11 CARTER THOMAS FERGUSON (dob
12 1/17/18)

A minor Protected Person.

**RESPONSE TO EX PARTE
EMERGENCY MOTION FOR AN
ORDER TO SUSPEND CO-GUARDIANS
EXCHANGES AND TO LEAVE THE
MINOR PROTECTED PERSON WITH
THE LUCEROS**

13 COME NOW, Co-Guardians JOHN ADAM McGREW and MARIA DANIELLE McGREW
14 (hereinafter the "McGrews"), by and through undersigned counsel TRAVIS W. GERBER, ESQ., of
15 GERBER LAW OFFICES, LLP, and files their response to Co-Guardians', PAMELA LUCERO and
16 MICHAEL LUCERO (hereinafter the "Luceros"), Ex Parte Emergency Motion for an Order to
17 Suspend Co-Guardians Exchanges and to Leave the Minor Protected Person with the Luceros.

18 This response is based on the attached Memorandum of Points and Authorities, Declarations
19 in Support of the McGrews' Response, and the papers and pleadings filed herein.

20 DATED this 19th day of June, 2020.

21 GERBER LAW OFFICES, LLP

22
23 BY:


24 TRAVIS W. GERBER, ESQ.

Nevada State Bar No. 8083

491 4th Street

Elko, Nevada 89801

(775) 738-9258

twg@gerberlegal.com

26 ATTORNEYS FOR CO-GUARDIANS
27 MARIA McGREW and JOHN
28 McGREW

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION AND PROCEDURAL HISTORY**

3 Donald William Ferguson and Vicky Lynne Ferguson are the paternal grandparents of
4 CARTER THOMAS FERGUSON, minor protected person. The Fergusons filed their Petition for
5 Appointment of General Guardians of Carter on April 13, 2018, *Fourth Judicial District Court Case*
6 *No. PR-GU-18-49*.

7 The McGrews are the paternal grandparents of PAISLEY GRACE STONE, minor protected
8 person (hereinafter "Paisley"). The McGrews filed their Petition for Appointment of General
9 Guardians of Paisley, on April 20, 2018, *Fourth Judicial District Court Case No. PR-GU-18-56*. The
10 mother of Paisley, KRISTIN NICOLE STONE, filed her Consent to the McGrews Guardianship of
11 Paisley, contemporaneously with the McGrews Petition.

12 The Luceros are the maternal great-grandparents of Paisley, and filed their Ex Parte
13 Emergency Petition for Temporary Appointment of Guardian of Person and Estate of Minor Ward
14 on May 22, 2018, *Fourth Judicial District Court Case No. PR-GU-18-67*.

15 The McGrews filed their *Joint Opposition to Ex Parte Emergency Petition for Temporary*
16 *Appointment of Guardian* on May 30, 2020.

17 An *Order Appointing Attorney* for Paisley was entered on June 5, 2018, naming Michelle
18 Rodriguez, Esq., to represent Paisley.

19 The Court entered its *Order Appointing Temporary Co-Guardians* on June 21, 2018. A
20 hearing was held on August 2, 2018, and the Court extended the *Order Appointing Temporary Co-*
21 *Guardians* on August 27, 2018, and entered an additional *Order Appointing Attorney* for Kristin
22 Nicole Stone, naming David D. Loreman, Esq.

23 The Court again extended the temporary guardianship on October 17, 2018, by its *Order*
24 *Extending Order Appointing Temporary Co-Guardians*. Visitation exchanges were ordered to occur
25 each Thursday at 4:00 p.m. at the Ferguson home.

26 A hearing was held in the matter on January 23, 2019, at 9:30 a.m., and concluded at
27 approximately 4:48 p.m., with unheard testimony requiring additional time. Due to counsels'
28

1 conflicting schedules with the Court, the hearing was continued to August 5, 2020, at 9:30 a.m., and
2 August 6, 2020 at 10:30 a.m., for two (2) full days of hearing.

3 **II. FACTS AND LEGAL ARGUMENT**

4 The McGrews and the Luceros have participated in weekly visitation exchanges of Paisley,
5 each alternating week. As noted in Ms. Goddard's April 15, 2020 report provided to Debra Amens,
6 counsel for the Luceros, attached to the Luceros' Ex Parte Motion as Exhibit, "Paisley is clearly
7 comfortable in the presence and care of her paternal grandmother [Maria McGrew]." Additionally
8 noted in Ms. Goddard's April 15, 2020 report, "...it was also apparent that Paisley has a close and
9 familiar relationship with [her paternal grandparents, John and Maria McGrew] as well."

10 The Luceros argue that "Paisley has been having severe reactions the day she is to transition
11 from the Luceros' to the McGrews'." (See Ex Parte Motion, 3:23-24.)

12 Contrary to the Luceros' Ex Parte Motion, Paisley's behavior has been improving since all
13 parties have been working with Ms. Goddard to assist Paisley with transitioning from home to home.
14 The most significant change in recent months is that Pam Lucero was beginning to interact and speak
15 to Maria McGrew in a more respectful tone in the presence of Paisley, which had a marked
16 improvement in Paisley's behavior and comfort during exchanges. In prior months, Pam Lucero had
17 refused to interact with Maria McGrew and visitation exchanges were made through the Fergusons.

18 The McGrews visitation prior to the Luceros filing their Ex Parte Motion, on Saturday, June
19 6, 2020, Paisley was sitting with Maria McGrew on the couch and had her twin sized blanket with
20 her. Paisley got up from the couch and headed back towards her room, when she stopped in front of
21 the pellet stove in the McGrews' home and began to shake out her blanket. While Paisley was
22 attempting to shake out her blanket, she took a step and lost her balance and fell backwards sitting
23 her bottom on the corner edge of the hearth to the pellet stove. She began crying and Ms. McGrew
24 consoled her until she stopped crying. A few hours after Paisley falling into the hearth, Ms. McGrew
25 was wiping her after using the toilet and noticed that she had developed a bruise high on her right
26 buttock at the crease from her fall against the hearth. At the next visitation exchange, Maria McGrew
27 informed the Luceros that Paisley had fallen against the hearth and that she had a bruise from the fall.

1 The Lucero's attempt to make the bruise any more significant than this is to interfere with
2 exchanges and to gain an unfair advantage immediately prior to the upcoming hearing in this matter
3 on August 5-6, 2020.

4 The Luceros claim that Paisley was spanked with a "spanking spoon" and that the bruise is
5 shaped like a spoon, however this allegation lacks any merit or support. The photographs provided
6 as Exhibit D to the Luceros' Ex Parte Petition clearly depict a bruise that is consistent with Paisley
7 falling against the corner edge of the hearth of the pellet stove.

8 As to the allegations that Paisley was spanked with a "spanking spoon" in front of other
9 children to "shame" her, these allegations are also false. Maria McGrew reported to Pam Lucero that
10 she had spanked Paisley for being disobedient. Paisley had a tantrum and received a mild spanking
11 after being warned that her behavior was not acceptable. No other children were present and the
12 spanking was not done to shame Paisley, nor did it have anything to do with any hitting between her
13 and any other child.

14 Of most concern to the McGrew's, the Luceros are allowing Paisley to have contact with
15 Kristin Stone, the child's mother, who has not been rehabilitated from drug addiction and who
16 recently had a third child who, upon information and belief, had withdrawals from drug abuse at birth.

17 In her Declaration filed herein, Maria McGrew reports:

18 "On April 22, 2020, I received a text message from Vicky Ferguson informing
19 me that she just learned that Kristin Stone (Paisley's mother) had been admitted to
20 I.C.U in Salt Lake City, Utah with chemical induced pneumonia. Then on April 27th
21 I received a text from Pammie telling me that Kristin had just gotten out of the
22 hospital and that it was her birthday and she was wanting to see Paisley and Cartar.
23 Would it be okay for them to have the kids for a few hours that day.? I/we (Vicky and
24 I) agreed to a 2 hr visit from 12 noon -2pm. I ended up dropping Paisley and Cartar
25 at the Lucero home at 12.

26 Within fifteen minutes of dropping them off I received a call from Pammie's
27 phone. It was Kristin telling me she had cut Paisley's hair, cut her braid off. Pammie
28 then got on the phone very upset and I did my best to calm her. We spent the next 2

1 or more hours on the phone having what I thought was a productive conversation.
2 When I picked Paisley and Cartar up at 2 I gave Pammie a small hug in front of
3 Paisley making sure she saw it and telling her that "Grannie and I can get along".

4 To expound on the April 27th phone conversation with Pammie and
5 subsequent conversations we have had between then and now, Pammie's main talking
6 point is to emphasize that her whole goal is "to get Kristin back with all her children."
7 She states that they should be with their mom, and "that is most important." She
8 knows Kristin can't do it on her own and will always need help and that she, Pammie,
9 says she is willing to do WHATEVER it takes so that happens. Pammie constantly
10 refers to herself and Kristin as Paisley's "family" and does not include me in her
11 description of Paisley's "family," which is hurtful and a negative behavior toward me.

12 On June 9, 2020, Kristin gave birth to her third child, a girl- Miracle Marie.
13 Upon information and belief, the baby was born experiencing drug withdrawal
14 symptoms. Kristin was still pregnant when hospitalized with chemical induced
15 pneumonia. I have been informed by DCFS that DCFS has concerns about the Lucero
16 home and placement of children in the home.

17 Also of concern, Paisley is being taught to put the seat belt behind her back
18 when she buckles herself into her car seat. She consistently puts the shoulder strap
19 behind her back which I then return to across the front of her where it belongs and
20 remind her that it is to stay there. I have personally witnessed her younger brother
21 buckled into a booster car seat with the shoulder strap placed behind his back. They
22 were being transported by their teenage uncle who lives in the Lucero home.

23 Since our conversations in April 2020, Pammie has been friendlier towards me
24 and we have had several conversations. In fact she had Paisley for 4 hrs on Mother's
25 Day (my week) so Paisley could see her mom again. (I later found out Kristin never
26 showed up).

27 Paisley's attitude and affections have made a marked improvement since April
28 27, 2020. She is much more relaxed and spontaneous in expressing her love towards

1 myself and John. She tells me multiple times a day, just out of the blue, "Nammie, I
2 love you". She is telling me more often that she doesn't want to go back to Grannie's
3 when it is time. That she, "I just want you." When I pick her up from Vicky's she
4 greets me happily and goes straight to the car. Visitation exchanges have much
5 improved since April, so this recent motion is not fair, nor does it accurately portray
6 the current situation."

7 See Declaration of Maria McGrew in Support of Response to Ex Parte Emergency Motion filed
8 herein.

9 Based upon the Luceros' Ex Parte Motion, this Court entered its Ex Parte Order Suspending
10 Exchanges on June 18, 2020, and ordered that an expedited hearing be held. There is little
11 opportunity for a meaningful hearing to be held prior to the hearing set in this matter for August 6,
12 2020, therefore, based on the attached Declaration, the McGrew's request that the Court enter an
13 order restoring the parties to the status quo, or at minimum ordering that the McGrew's have a right
14 to visitation and contact until the hearing on August 6, 2020.

15 **III. CONCLUSION**

16 The McGrews respectfully request that this Court enter an order restoring the parties to the
17 status quo, or at minimum ordering that the McGrew's have a right to visitation and contact until the
18 hearing on August 6, 2020, so that they are not excluded from Paisley.

19 DATED this 17th day of June, 2020.

20 **GERBER LAW OFFICES, LLP**

21 By: 

22 TRAVIS W. GERBER, ESQ.

23 Nevada State Bar No. 8083

24 491 4th Street

25 Elko, Nevada 89801

26 (775) 738-9258

27 twg@gerberlegal.com

28 ATTORNEY FOR MARIA MCGREW
and JOHN MCGREW

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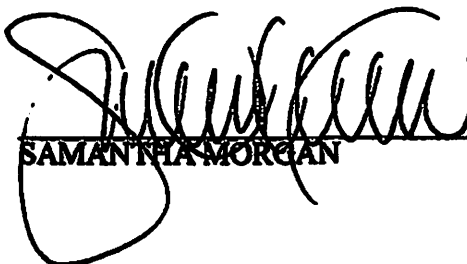
CERTIFICATE OF MAILING

Pursuant to NRCp 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES, LLP, and that on the 17th day of June, 2020, I deposited for mailing, postage prepaid, at Elko, Nevada, a true and correct copy of the foregoing *Response to Ex Parte Emergency Motion for an Order to Suspend Co-Guardians Exchanges and to Leave the Minor Protected Person with the Luceros* addressed as follows:

Debra M. Amens, Esq.
AMENS LAW, LTD.
P.O. Box 488
Battle Mountain, Nevada 89820

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THE LAW OFFICE OF MICHELLE RODRIGUEZ
P.O. Box 704
Wells, Nevada 89835

David D. Loreman, Esq.
DAVID D. LOREMAN, CHTD.
445 Fifth Street, Suite 210
Elko, Nevada 89801


SAMANTHA MORGAN

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FILED

1 CASE NO. PR-GU-18-49
2 PR-GU-18-56
3 ~~PR-GU-18-57~~

2018 JUN 21 PM 4:17
ELKO CO DISTRICT COURT

3 DEPT. NO. 1

4 AFFIRMATION:
5 Pursuant to NRS 239B.030 this document
6 does not contain a social security number

CLERK _____ DEPUTY b

7 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF ELKO

9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSON AND ESTATE OF
11 CARTAR THOMAS FERGUSON, DOB 1/17/18
12 AND PAISLEY GRACE STONE, DOB 5/27/16,

ORDER APPOINTING TEMPORARY
CO-GUARDIANS

13
14 Minor Protected Persons.

15 This matter having come before the Court on June 6, 2018, for a hearing on the Petitions
16 in the three above-referenced guardianship actions relating to the minor children, and good cause
17 appearing,

18 IT IS HEREBY ORDERED that DONALD WILLIAM FERGUSON and VICKY LYNNE
19 FERGUSON (Paternal Grandparents) and MICHAEL LUCERO and PAMELA LUCERO
20 (Maternal Great-Grandparents) are appointed as Temporary Co-Guardians of CARTAR
21 THOMAS FERGUSON, male minor child born January 17, 2018. The FERGUSONS and
22 LUCEROS shall alternate custody of CARTER THOMAS FERGUSON each week, with the
23 FERGUSONS having custody commencing Saturday, June 9, 2018. Exchanges shall occur each
24 Saturday at 4:00 p.m. at the Shell Station in Spring Creek, Nevada.

25 IT IS HEREBY ORDERED that JOHN ADAM MCGREW and MARIA DANIELLE
26 MCGREW (Paternal Grandparents) and MICHAEL LUCERO and PAMELA LUCERO
27 (Maternal Great-Grandparents) are appointed as Temporary Co-Guardians of PAISLEY GRACE
28 STONE, a female minor child born May 26, 2016. The MCGREWS and LUCEROS shall
alternate custody of PAISLEY GRACE STONE each week, with the MCGREWS having custody
commencing Saturday, June 9, 2018. Exchanges shall occur each Saturday at 4:00 p.m. at the

1 Shell Station in Spring Creek, Nevada.

2 IT IS FURTHER ORDERED that the Temporary Co-Guardians shall communicate with
3 each other regarding the needs of the children.

4 IT IS FURTHER ORDERED that the Temporary Co-Guardians shall notify each other
5 prior to transporting the children out of state.

6 IT IS FURTHER ORDERED that the parties shall not disparage any other party, the
7 children's parents, or any other family member, and the parties shall act in a manner which will
8 encourage the love and respect by the minor children for the parties and their parents and shall not
9 take any action to alienate the feelings of the minor children away from the other parties, the
10 children's parents, or any other family member.

11 IT IS FURTHER ORDERED that no illicit drugs or alcohol shall be allowed in any of the
12 parties homes or in the presence of the children.

13 IT IS FURTHER ORDERED that a hearing in this matter shall be held on August 2, 2018,
14 from 10:00 a.m. to 12:00 p.m.

15 DATED this 19 day of June, 2018.

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17 DISTRICT JUDGE
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ELKO CO DISTRICT COURT

CLERK DEPUTY

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

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 THE PERSON AND ESTATE OF**

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

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

**EX PARTE ORDER SUSPENDING
EXCHANGES**

This matter came before the Court on an *Ex Parte* EMERGENCY MOTION FOR
AN ORDER TO SUSPEND CO-GUARDIANS EXCHANGES AND TO LEAVE THE MINOR
PROTECTED PERSON WITH THE LUCEROS filed by Co-Guardians Michael and Pamela
Lucero, by and through their attorney, Debra M. Amens, Esq. of Amens Law, Ltd. and based on
serious nature of the allegations and concern for the child's safety and best interest,

IT IS HEREBY ORDERED, that Exchanges of PAISELY STONE between Co-Guardians,
PAMELA and MICHAEL LUCERO and MARIA and JOHN McGREW are hereby
SUSPENDED and the minor protected person will stay in the care, custody and control of the
Luceros pending an expedited hearing on the matter.

DATED this 17 day of June, 2020.



Hon. Nancy Porter
DISTRICT COURT JUDGE

Submitted by

AMENS LAW, Ltd.



Debra M. Amens, Esq. Nevada Bar No. 12681

EX PARTE ORDER SUSPENDING EXCHANGES - 1

RECEIVED


JUN 17 2020

Elko County Clerk

Amens Clivian

Case Nos. PR-GU-18-49
PR-GU-18-56
PR-GU-18-67

Dept. No. 1

FILED
2021 MAR 30 PM 3:53
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY 

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 the Persons and the Estates of:

CARTAR THOMAS FERGUSON
(DOB 1/17/18)

ORDER TO PRODUCE RECORDS

and

PAISLEY GRACE STONE
(DOB 5/27/16),

Minor Protected Persons.

This matter having come before the Court on August 6 and 7, 2020, and March 4, 2021,
for a hearing on the competing petitions for appointment of general guardians in the above-
referenced cases, and the court finding that an *in camera* review of the files of the State of
Nevada, Division of Child and Family Services, regarding the Petitioners herein, and good cause
appearing;

IT IS HEREBY ORDERED, pursuant to NRS 432B.290(2)(f), that the State of Nevada,
Division of Child and Family Services, deliver their unredacted records and files regarding the
Petitioners, Donald William Ferguson and Vicky Lynne Ferguson, John Adam McGrew and
Maria Danielle McGrew, and Michael Lucero and Pamela Lucero, to the above-entitled Court for

///

///

///

1 an *in camera* review of those records and files.

2 SO ORDERED this 30th day of March, 2021.

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HONORABLE KRISTON N. HILL
DISTRICT JUDGE

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 30th day of March, 2021, I personally delivered a file stamped copy of the foregoing **ORDER TO PRODUCE RECORDS** addressed to:

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

Michelle L. Rodriguez, Esq.
Michelle L. Rodriguez, Chartered
420 6th Street
PO Box 704
Wells, NV 89835
[Box in Clerk's Office]

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

Rodriguez

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 30th day of March, 2021, I deposited for mailing in the U.S. Mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER TO PRODUCE RECORDS** addressed to:

Michelle L. Rodriguez, Esq.
Michelle L. Rodriguez, Chartered
420 6th Street
PO Box 704
Wells, NV 89835

Division of Child & Family Services
1010 Ruby Vista Dr., Ste 101
Elko, NV 89801

Rodriguez

clivian

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

2 DEPT. NO. 1

3 Affirmation: Pursuant to NRS 239B.030,
4 this document does not contain the social
5 security number of any person.

FILED
2021 MAY 24 PM 3:57
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY ML

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

8 IN THE MATTER OF THE GUARDIANSHIP
9 OF THE PERSONS AND ESTATES OF

10 CARTER THOMAS FERGUSON (PR-GU-
11 18-49),

12 PAISLEY GRACE STONE (PR-GU-18-56),

13 PAISLEY GRACE STONE and CARTER
14 THOMAS FERGUSON (PR-GU-18-67).

**NOTICE OF ENTRY OF FINDINGS OF
FACT AND ORDER GRANTING
GUARDIANSHIP**

15 Minor Protected Persons.
16 _____ /

17 PLEASE TAKE NOTICE that on May 13, 2021, the Court entered its *Findings of Fact and*
18 *Order Granting Guardianship* in the above-captioned matter. A copy of the *Findings of Fact and*
19 *Order Granting Guardianship* is attached hereto as Exhibit A.

20 DATED this 24th day of May, 2021.

GERBER LAW OFFICES, LLP

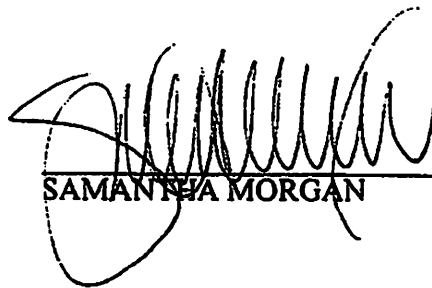
21 By: 
22 TRAVIS W. GERBER, ESQ.
23 Nevada State Bar No. 8083
24 491 4th Street
25 Elko, Nevada 89801
26 (775) 738-9258
27 twg@gerberlegal.com
28 ATTORNEYS FOR GUARDIANS

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCp 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES.
3 LLP. and that on the 24th day of May, 2021, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Notice of Entry of Findings of Fact and Order*
5 *Granting Guardianship* addressed as follows:

6 Debra M. Amens, Esq.
7 Amens Law, Ltd.
8 P.O. Box 488
9 Battle Mountain, Nevada 89820

10 Michelle L. Rodriguez, Esq.
11 Michelle L. Rodriguez, Chartered
12 P.O. Box 704
13 Wells, Nevada 89835

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SAMANTHA MORGAN

EXHIBIT A

EXHIBIT A

Gerber

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

2 DEPT NO. 1

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.

[Handwritten signature]

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,

**FINDINGS OF FACT
AND ORDER GRANTING
GUARDIANSHIP**

15 Minor Protected Persons.
16 /

17 This matter came before the Court on August 6 and 7, 2020, and on March 4, 2021, for a
18 hearing on the petitions in the three above-referenced competing guardianship actions relating to the
19 children, CARTER THOMAS FERGUSON ("Carter"), a male minor child born on January 17,
20 2018, and PAISLEY GRACE STONE ("Paisley"), a female minor child born May 26, 2016.

21 PAMELA JEANNIE LUCERO and MICHAEL TIMOTHY LUCERO ("LUCERO"), by and
22 through their attorney, Debra Amens, Esq.; DONALD WILLIAM FERGUSON and VICKY LYNNE
23 FERGUSON ("FERGUSON") and MARIA DANIELLE MCGREW and JOHN ADAM MCGREW
24 ("MCGREW"), by and through their attorney, Travis Gerber, Esq., and Michelle Rodriguez, Esq.,
25 the attorney for the minor protected persons, were all provided with the opportunity and have all
26 provided an extensive amount of testimony and evidence during the three separate hearing dates,
27 August 6, 2020, August 7, 2020 and most recently, March 4, 2021. While the current District Court
28 Judge was not presiding over the first two days of testimony, she has had the opportunity to review
the video recordings of those court hearings and has had the opportunity to fully review the entire
record in this matter, as well as presided over the final portion of the trial on March 4, 2021. Based
upon the evidence and testimony provided, the Court hereby finds:

1 All of the proposed guardians are residents of the County of Elko, State of Nevada, and over
2 the age of 21 years. The proposed Minor Protected Persons are residents of the County of Elko,
3 State of Nevada, having so resided within Elko County, State of Nevada, their entire lives.

4 Paisley is 4 ½ years of age and resides with MCGREW and LUCERO on a week-to-week
5 rotation in Elko County, Nevada. Carter is 3 years of age and resides with FERGUSON and
6 LUCERO on a week-to-week rotation in Elko County, Nevada. Petitioners currently have a
7 Temporary Guardianship of the Minor Protected Persons upon a Stipulation.

8 The Court finds by clear and convincing evidence that the children are in need of a
9 guardianship for their persons and estates. The natural father of Carter is Kevin Ferguson. He
10 executed a consent for the guardianship on behalf of his parents, FERGUSON. Although Mr.
11 Ferguson was present for the first day of trial, he has not been present since, but he was allowed to
12 state to the Court his desires, in addition to providing a written consent to the guardianship on file
13 herein. The natural father of Paisley is deceased.

14 Carter and Paisley's natural mother is Kristen Nicole Stone. Ms. Stone was present during
15 part of the testimony throughout the three-day trial. Ms. Stone has alternatively executed consents
16 to each of the proposed sets of guardians on behalf of the Minor Protected Persons. Ms. Stone was
17 originally appointed an attorney to represent her due to concerns for her ability to understand the
18 proceedings and represent herself; unfortunately, Ms. Stone failed to keep in contact with her
19 appointed attorney, David D. Loreman, Esq., and he was granted permission to withdraw as counsel
20 for Ms. Stone. Ms. Stone appeared at the final day of the trial without counsel. Ms. Stone testified
21 that she wanted her children with LUCERO, but appeared confused on what that meant. Ms. Stone
22 testified that she can care for the Minor Protected Persons without assistance. Ms. Stone's testimony
23 showed that she has been unable or unwilling, within a reasonable time, to correct substantially the
24 circumstances, conduct or conditions which led to the placement of her children outside of her
25 custody. Upon the filing of the petitions in this matter, Ms. Stone was abusing methamphetamine
26 and she has since not attended any drug rehabilitation program. Ms. Stone has also failed to engage
27 in counseling or to demonstrate that she has the capacity to properly care for her children. She has
28 not been employed and has not had any unsupervised or unassisted visitation since the

1 commencement of this action. Ms. Stone was, and she continues to remain dependent on LUCERO.
2 and she appears to live most of the time in their household. Ms. Stone is unable to provide for the
3 basic needs of her children, including food, shelter, clothing, medical care, and education. These
4 basic needs are being provided by the Temporary Co-Guardians. The Court observed in Ms. Stone's
5 testimony that she is mentally and emotionally unstable to the extent that the Court finds that it
6 would not be in the best interests of the children to be placed in her legal custody. Because of action
7 or inaction, the Court finds that the children's mother poses a significant safety risk of either physical
8 or emotional danger to the children because of her significant past drug use, her failure to engage in
9 any counseling or rehabilitation, and her inability to care for the children without complete
10 dependency on LUCERO. Based on all of these facts, the Court finds by clear and convincing
11 evidence that Ms. Stone is unsuitable to care for the physical and psychological needs of the
12 children.

13 LUCERO stated in their verified petition that the children's mother, Ms. Stone, is unfit due
14 to her drug addiction to methamphetamine and that she is too easily influenced by others. LUCERO
15 argued that Ms. Stone is now fit, however they continue to maintain their petition in this matter and
16 they have filed and maintain a petition for custody of Ms. Stone's new baby, Mayce May Stone
17 Williams, who was born on June 9, 2020. Ms. Stone appeared confused and upset when informed
18 that LUCERO have filed a guardianship petition for custody of her new baby in Case No. DC-GU-
19 21-10. The Court finds that LUCERO's argument that Ms. Stone is now fit conflicts with their
20 verified petitions which argue that the children are in need of protection due to the faults and habits
21 of their mother.

22 LUCERO and MCGREW entered into an agreement to participate in co-parenting counseling
23 with Janell Anderson, LCSW, so as to allow them to function jointly as the Co-Guardians for the
24 best interest of Paisley. Ms. Anderson was unsuccessful in her work. Ms. Anderson filed a report
25 with the Court and provided sworn testimony in this matter on March 4, 2021. Ms. Anderson
26 provided testimony to the Court that Pamela Lucero was unwilling to work with MCGREW in a co-
27 parenting or even non-hostile relationship. Ms. Anderson testified that to continue the current
28 situation wherein Paisley alternates between the MCGREW home and the LUCERO home would

1 be detrimental to Paisley. Ms. Anderson opined that the current situation was not in the children's
2 best interest due to the ongoing animosity and negative behavior from LUCERO towards
3 MCGREW. Ms. Lucero was unwilling to work on a co-parenting relationship with MCGREW. Ms.
4 Lucero continued to express animosity and derogatory feelings toward MCGREW. Ms. Anderson
5 testified that she did not believe LUCERO would foster or even allow a relationship between Paisley
6 and MCGREW, but believed that MCGREW would foster and allow a relationship between Paisley
7 and LUCERO. In fact, Ms. Anderson testified that MCGREW have been willing to apologize for
8 the past and move forward. Ms. Anderson provided testimony that MCGREW had a structured
9 approach to home life and their care of Paisley wherein they have schedules and reliability for
10 Paisley; LUCERO were very unstructured in their parenting style and ran an unstructured, chaotic
11 home which is not in the best interest of Paisley.

12 Paisley's health and well-being has been an issue of contention from the beginning of this
13 matter. MCGREW were very concerned about her weight and pattern of weight gain while with
14 LUCERO. MCGREW sought out assistance from the child's pediatrician and later from a
15 nutritionist. It was not until right before the final phase of the trial that LUCERO indicated they
16 would modify Paisley's diet and activity while in their care; however, Mr. Lucero testified he did not
17 believe such was necessary and Paisley was fine. Paisley is above the 95th percentile for weight
18 given her age and height. Her height is within the normal range.

19 LUCERO have a bankruptcy on their record. Ms. Lucero has a great deal of interactions
20 with law enforcement, including a felony conviction. Some such negative interactions with law
21 enforcement resulted in Ms. Lucero being charged and convicted of various crimes, including crimes
22 involving minor children. Ms. Lucero was not truthful in her testimony regarding a recent contact
23 with law enforcement wherein she lied to the officer who came to her door looking for a person of
24 interest; this person was later found in her home.

25 At the request of the children's attorney, the Court has reviewed, in camera, all of the
26 Division of Child and Family Services records related to the three sets of petitioners. The Court
27 received an entire banker's box full of records on April 16, 2021. The records of the Division of
28 Child and Family Services also show that LUCERO had a case of substantiated child neglect for lack

1 of supervision in their home that occurred in 2014. FERGUSON had no DCFS records, and
2 MCGREW had one incident, which was the bruise on Paisley's bottom. Abuse and neglect was not
3 substantiated against MCGREW.

4 Based upon the voluminous testimony provided, the Court hereby finds that it is in the best
5 interest of the children that FERGUSON be appointed as the legal guardians of Carter and
6 MCGREW be appointed as the legal guardians of Paisley.

7 Although it appears Ms. Stone has made progress since the inception of this matter, Ms.
8 Stone cannot currently provide for the Minor Protected Persons' basic needs without assistance.

9 LUCERO are unwilling and unable to allow MCGREW and FERGUSON an ongoing
10 relationship with the children due to their continued and extreme animosity toward MCGREW and
11 their unwillingness to work cooperatively with said parties for the best interest of the children.

12 Testimony was provided evidencing alienating behavior by Ms. Lucero toward MCGREW.
13 Ms. Lucero has acted in a negative and hostile manner in her behaviors and speech toward
14 MCGREW; such behavior is not in the best interest of the children. Testimony provided clear
15 evidence that LUCERO are unable to support and foster a best interest relationship between the
16 Minor Protected Persons and MCGREW. It is of concern that the same behavior will most likely
17 result against FERGUSON, as has been the pattern with LUCERO.

18 Further, testimony was provided concerning voluminous DCFS involvement and at least one
19 substantiation for abuse and neglect with LUCERO. The Court finds that such chaotic, unreliable,
20 and sometimes criminal behavior by LUCERO is not in the best interest of either Minor Protected
21 Person. Clear and convincing evidence was provided that the natural parents of the Minor Protected
22 Persons are unable or unwilling to properly care for the Minor Protected Persons at this time.

23 MCGREW and FERGUSON are ready, willing and able to provide stability in housing and
24 care for the Minor Protected Persons and have shown their ability to do so for almost two years.

25 The Minor Protected Persons have no estate in the economic sense, or assets other than their
26 clothes and personal effects. They have no income or receivables from any source that are currently
27 known to Petitioners.

28 *iii*

1 **BASED UPON THE FOREGOING FINDINGS, IT IS THEREFORE ORDERED** as
2 follows:

3 1. DONALD WILLIAM FERGUSON and VICKY LYNNE FERGUSON shall be, and
4 they hereby are appointed as Guardians of the Person and Estate for the minor protected person,
5 CARTER THOMAS FERGUSON (DOB 01/17/2018).

6 2. MARIA DANIELLE MCGREW and JOHN ADAM MCGREW shall be, and they
7 hereby are appointed as Guardians of the Person and Estate for the minor protected person,
8 PAISLEY GRACE STONE (DOB 05/26/2016).

9 3. Letters of Guardianship shall be issued accordingly upon Petitioners taking the oath
10 of office.

11 4. The natural mother, Kristen Nicole Stone, shall be entitled to exercise supervised
12 visitation of the Minor Protected Persons as prescribed by the Guardians.

13 5. LUCERO shall be entitled to visitation with the Minor Protected Persons as
14 prescribed by the Guardians, so long as such contact is in the best interest of the Minor Protected
15 Persons.

16 6. MCGREW and FERGUSON shall continue to foster the sibling bond between the
17 two Minor Protected Persons.

18 7. Because the Minor Protected Persons have no assets, the requirement of a bond is
19 hereby waived. NRS 159A.065.

20 8. The Guardians shall file an inventory and appraisal of the Minor Protected Person's
21 property each year as required by the Court. NRS 159A.085.

22 9. The parties shall not discuss the issues presented to this Court for adjudication or any
23 other issue pertaining to the litigation with the Minor Protected Persons. Most importantly, the
24 parties will not make any disparaging remarks about the parents or other parties to the Minor
25 Protected Persons. Neither party shall say or do anything that may estrange the Minor Protected
26 Persons from the other parties or their parents, or impair their high regard for the other parent or
27 party. Nor shall any party permit a third party to make any disparaging remarks about the other
28 parties to the Minor Protected Persons. No party shall post details about this or any other dispute,

1 or disparaging remarks about the other parties on any social networking sites, blogs, or forums of
2 communication in which the Minor Protected Persons may be exposed or have access to.

3 Dated this 11th day of May, 2021.

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6 HONORABLE KRISTON N. HILL
7 DISTRICT JUDGE - DEPT. I
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1 CASE NO. [REDACTED] PR-GU-18-56, PR-GU-18-67

FILED

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

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

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**

15 Minor Protected Persons.

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

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

28 Movants next claim that essentially this case has dragged on for too long and that a temporary
guardianship order was left in place for almost three years in violation of NRS 159A.053. While this
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.

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11 HONORABLE KRISTON N. HILL
12 DISTRICT JUDGE - DEPT. 1
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CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 14th day of July, 2021, I personally hand delivered a file stamped copy of the foregoing Order Denying Motion to Reconsider addressed to:

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

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

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

McCorrane

C1042

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

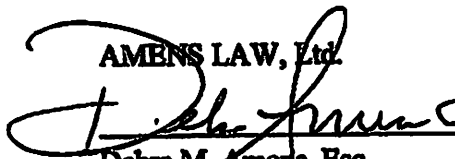
12 **PAISLEY GRACE STONE (dob 5/27/16), and**
13 **CARTAR THOMAS FERGUSON**
14 **(dob 1/17/18).**

NOTICE OF APPEAL

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

23 DATED this 20 day of August, 2021.

24 AMENS LAW, Ltd.

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

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
Elko, NV 89801

15 Kristin Stone
16 9640 DeFoe Street
17 Strasberg, CO 80136
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21 
22 HEATHER ANDERSEN, Paralegal
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C110 KD

DEBRA M. AMENS, ESQ.
Amens Law, Ltd.
Nevada Bar No. 12681
P.O. Box 488
Battle Mountain, NV 89420
Telephone: 775-235-2222
Email: dnamens@gmail.com

FILED
2021 AUG 20 PM 2:05

CLERK OF DISTRICT COURT

CLERK DEPUTY *ll*

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

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 THE PERSON AND ESTATE OF

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

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

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that a ORDER DENYING MOTION FOR
RECONSIDERATION has been entered in the above entitled matter on the 21st day of July, 2021.
A copy of which is attached hereto.

If this is a final order and if you wish to appeal to the Nevada Supreme Court, you must
file a Notice of Appeal with the Clerk of this Court within 33 days after the date this notice is
mailed/electronically served to you.

DATED this 20th day of August, 2021.

AMENS LAW, LTD.

Debra M. Amens
Debra M. Amens, Esq.
Nevada Bar No. 12681
Attorney for Luceros

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I work with AMENS LAW, LTD, and that
on the 28th day of August, 2021, I served a copy of the NOTICE OF ENTRY OF
ORDER by delivering a true and correct copy of same, properly addressed via electronic filing,
to the following:

Travis W. Gerber, Esq.
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AMENS LAW FIRM



HEATHER ANDERSEN, Paralegal

1 CASE NO. [REDACTED] R-GU-18-56, PR-GU-18-67 FILED

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 10

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

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**

15 Minor Protected Persons.

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

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

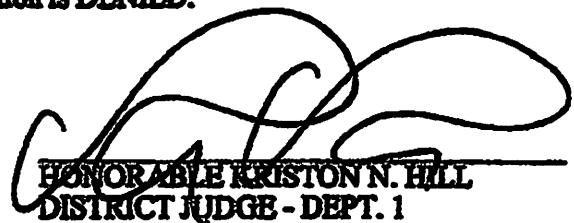
28 Movants next claim that essentially this case has dragged on for too long and that a temporary
guardianship order was left in place for almost three years in violation of NRS 159A.053. While this
is all valid and supported by the record, Movants did not make any attempts during the pendency of

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

CERTIFICATE OF HAND DELIVERY

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

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Scoville