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Elizabeth A. Brown  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

TODD MATTHEW PHILLIPS, and  
ALI SHAHROKHI,

Petitioners,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT of the State of Nevada in and for  
the County of Clark,  
THE HONORABLE REBECCA BURTON,  
Presiding Judge Eighth Judicial District  
Court, Family Division,  
THE HONORABLE CHARLES HOSKIN,  
District Judge,  
THE HONORABLE DAWN THRONE,  
District Judge,  
THE HONORABLE VINCENT OCHOA,  
District Judge,  
THE HONORABLE MATHEW HARTER,  
District Judge,  
JON NORHEIM, Hearing Master,  
AARON FORD, Attorney General of the  
State of Nevada,  
STEVE WOLFSON, District Attorney in  
and for the State of Nevada, County of  
Clark,

Respondents,

Supreme Court No: 84411

**REAL PARTY IN INTEREST  
AMBER PHILLIPS'S  
OPPOSITION TO PETITIONER  
TODD MATTHEW PHILLIPS'  
MOTION TO STAY DISTRICT  
COURT ORDERS PURSUANT  
TO NRAP 27(e)**

and

AMBER PHILLIPS nka  
AMBER KORPAK (ADV. PHILLIPS)  
KIZZY BURROW (ADV. SHAHROKHI),

Real Parties in Interest.

Real Party in Interest Amber Phillips n/k/a Amber Korpak (hereinafter, “Amber”), through her counsel of record Shannon R. Wilson of Hutchison & Steffen, PLLC, acting in a *pro bono* capacity in conjunction with the Legal Aid Center of Southern Nevada, files her opposition to Petitioner Todd Matthew Phillips (hereinafter, “Phillips”) Motion to Stay District Court Orders Pursuant to NRAP 27(e) (hereinafter, “Motion”) and asks the Court to *deny* Phillips’s Motion. The Motion was filed in the underlying original proceeding styled as a Petition for Writ of Mandate or in the Alternative Petition for Writ of Prohibition (hereinafter, “Writ Petition”). To date, the appellate court has neither denied the Writ Petition nor directed an answer. In an abundance of caution, Amber files her opposition and asks the court to deny Phillips’s motion.

Phillips’s certificate of service identifies Shannon R. Wilson, as the attorney for the second-named real party in interest, Kizzy Burrow. Ms. Wilson has never represented Ms. Burrow and does not represent her in this proceeding.

## PROCEDURAL HISTORY

The matter styled *Amber Phillips v. Todd Matthew Phillips*, lodged in the Eighth Judicial District Court, case number D-18-578142-D is a divorce and child custody action. Amber filed a complaint for divorce on October 5, 2018. Phillips filed an answer on December 7, 2018. The parties resolved the division of assets and debts, alimony, and child support by stipulation entered on September 27, 2019. Child custody was bifurcated.

The parties share one minor child, a son, born November 8, 2005, currently age 16. Following trial on December 20, 2019 and October 19, 2020, the district court entered a Decision and Order on December 19, 2020 (hereinafter, “D&O”). The D&O granted Amber sole legal and primary physical custody. (D&O at 66: 9-18.) The D&O further provided that Phillips could engage in reunification therapy with the minor child if he chose, and it also permitted Phillips to call the minor child on Wednesdays and Sundays at 6:30 p.m. and the minor child to freely call his dad. (*Id.* at 66:20-67:3.)

Phillips filed a timely notice of appeal on January 17, 2021, see Supreme Court of Nevada case number 82414. Indeed, a more complete procedural history is set forth in Amber’s Child Custody Fast Track Response filed September 1, 2021

(hereinafter, “Response”). Briefing in case number 82414 was complete on September 30, 2021, and a decision is pending.

Phillips filed his Writ Petition on March 21, 2022, and he filed his Motion per NRAP 27(e) on March 28, 2022. The Writ Petition and Motion raise the same issue and seek the same relief. The main issue raised is a specious claim that a district court judge lacks subject matter jurisdiction to make findings that a party in a child custody proceeding has engaged in acts constituting domestic violence. The relief Phillips seeks by way of his Writ Petition and Motion is to stay the child custody order or find it is a void order. This relief should be denied.

## **LEGAL ARGUMENT**

Writ relief is an extraordinary remedy that is typically not entertained when the matter may be reviewed on appeal from a final judgment. *See* NRS 34.170; *see also, Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 223, 88 P.3d 840, 841 (2004). Not only is an appeal available, there is an appeal pending and submitted for decision in this case on the very issues raised by Phillips in his Writ Petition. Phillips’s Amended Fast Track Statement filed July 12, 2021 in case number 82414, in the section titled “Legal Issues and Argument” at p. 3, sets forth the following issues:

- Do family court judges have jurisdiction to issue “permanent” custody orders based on D.V. findings?
- Can a family court judge make a finding of “domestic violence?”

- Are family court judges competent to make findings that parents committed “crimes?”

Phillips did not number the issues in his Fast Track Statement of which there were thirty-eight. For ease of reference, Amber’s Response did number Phillips’s issues, and these were addressed in her Response as issues 11, 12, and 13. *See* on file in case no. 82414 Resp. filed Sept. 1, 2021 at pp. 14-16. The answer to these questions is set forth in greater detail in Amber’s Response. The short answers are as follows:

- Yes, family court judges do have jurisdiction to issue permanent custody orders based on findings of domestic violence. This Court has held that district court judges in the family division have the same constitutional power and authority as any district court judge. *Landreth v. Malik*, 127 Nev. 175, 186, 251 P.3d 163, 170 (2011).
- Yes, family court judges can make findings of domestic violence, indeed they are required to do so by NRS Chapter 125C.
- Yes, family court judges are competent to make findings that parents committed crimes because they have the same constitutional power and authority as any district court judge, although that is not what happened here. Here, the Court made findings by clear and convincing evidence as required by *inter alia* NRS 125C.003(1)(c) and NRS 125.0035(5) as set forth in the D&O at pages 34-45.

Phillips’s Motion should be denied because the issues raised have no basis in fact or law. Mr. Phillips was given notice, opportunity be heard, and a fair hearing by an impartial jurist who, frankly, went so far out of his way to accommodate

Phillips his allegations against Judge Ochoa are laughable. The bottom line of the Phillips case is that not one, but two, district court judges observed it was in the best interest of the minor child for Phillips to have visitation through Donna's House and/or reunification therapy. Mr. Phillips was given both of those options, repeatedly, and he repeatedly declined those opportunities.

### **CONCLUSION**

For the reasons set forth above, Real Party in Interest Amber Phillips nka Amber Korpak, respectfully requests this Honorable Court deny Petitioner Todd Matthew Phillips's Motion to Stay District Court Orders Pursuant to NRAP 27(e).

Respectfully submitted this 4<sup>th</sup> day of April, 2022.

HUTCHISON & STEFFEN, PLLC

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*Attorney for Real Party in Interest  
Amber Korpak*

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **REAL PARTY IN INTEREST AMBER PHILLIPS'S OPPOSITION TO PETITIONER TODD MATTHEW PHILLIPS' MOTION TO STAY DISTRICT COURT ORDERS PURSUANT TO NRAP 27(e)** was filed electronically with the Clerk of the Nevada Supreme Court and served via U.S. first class mail to the attorneys/parties below:

MR. TODD MATTHEW PHILLIPS  
4894 W. Lone Mountain Rd., No. 132  
Las Vegas, NV 89130  
*Petitioner in proper person*

MR. ALI SHAHROKHI  
9620 S. Las Vegas Blvd., Ste. 4, No. 152  
Las Vegas, NV 89123  
*Petitioner in proper person*

No address is available for Real Party in Interest Kizzy Burrow.

DATED this 4<sup>th</sup> day of April, 2022.

*/s/ Aurora Moore*

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An employee of Hutchison & Steffen, PLLC