

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MINH NGUYET LUONG,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DAWN THRONE, DISTRICT JUDGE,
Respondents,
and
JAMES W. VAHEY,
Real Party in Interest.

No. 84522-COA

FILED

APR 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DIRECTING SUPPLEMENT TO ANSWER

This original, emergency petition for a writ of mandamus or prohibition challenges a district court order temporarily modifying custody and requiring the parties' children to attend the Turning Point for Families program and "sequester" with real party in interest afterward. On April 8, 2022, we directed petitioner to file a supplemental appendix, which she timely did, and we set an expedited briefing schedule. Real party in interest timely filed his answer,¹ and petitioner timely filed her reply.

In his answer, real party in interest informs that he and the children have participated in the 4-day program and returned to Nevada. However, in her reply, petitioner indicates that, not long after arriving at the program, the oldest child was "physically assaulted and violently restrained," resulting in a police response and the child being transported

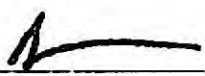
¹Real party in interest's motion for leave to file an answer that exceeds the NRAP 21(d) page limit is granted; the answer was filed on April 15, 2022.

to a hospital in New York. Petitioner asserts that, due to the district court's order, she does not know the child's current condition or whereabouts.

Based on the parties' filings, there appears to be some discrepancy as to the children's present situation. Accordingly, real party in interest, as the current custodial parent, is directed to supplement his answer with a limited verified statement, no longer than 3 pages, by 2 p.m. tomorrow, April 20, 2022, confirming that all three children are safely back in Nevada under his custody and attending school as appropriate, or otherwise explaining the children's present situation. *See* NRAP 21(4) (stating the appendix shall include any original document that may be essential to understand the petition). No extensions of time will be granted absent extreme and unforeseeable circumstances demonstrated by written motion due to the filing of this petition as an "emergency." *See* NRAP 21(a)(6).

It is so ORDERED.

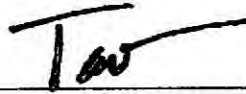

_____, C.J.
Gibbons


_____, J.
Bulla

TAO, J., dissenting:

The majority exceeds the scope of an emergency writ petition by issuing an order expressly notifying the Real Party in Interest of a defect in its response and inviting the Real Party in Interest to rectify it. The problem is this: if the Real Party in Interest supplies the requested

information, does the majority intend to then issue a companion order expressly notifying the Petitioner of how to overcome the new information and inviting it to rectify or supplement its petition accordingly? If I were the Petitioner, I would be concerned about the Due Process implications, not to mention fundamental fairness, of the order now being issued. Both parties have had their chances to file briefs and supply whatever documents they deem necessary, and asking one party (but not the other) for more raises questions that ought not be asked.


_____, J.
Tao

cc: Hon. Dawn Throne, District Judge, Family Court Division
Willick Law Group
The Dickerson Karacsonyi Law Group
Eighth District Court Clerk