

ORIGINAL

No. 84306

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS BAHR,  
Appellant,

vs.  
GESENIA ARTEAGA,  
Respondent,

Supreme Court Case No.  
District Case No. D-16-538413-C

FILED

DOCKETING STATEMENT  
CIVIL APPEAL

MAR 28 2022

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

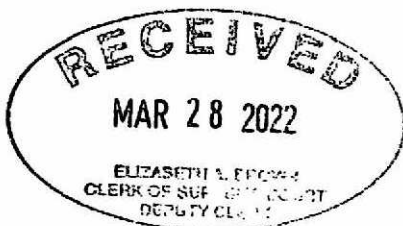
GENERAL INFORMATION

All applicants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c) The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.



22-09571

1. Judicial District: EIGHTH Dept: E  
County: CLARK

Judge: Charles Hoskin

2. Attorney filing this docketing statement:

NOTE: APPELLANT IS FILING IN PROPER PERSON

THOMAS BAHR  
8975 W. Warm Springs Road Apt 18-2128  
Las Vegas, NV 89148  
(702)534-7729  
thomaspatrikbahr@gmail.com

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney representing respondent:

Respondent, Gesenia Arteaga, was in Proper Person

4. Nature of disposition below: (check all that apply)

<input checked="" type="checkbox"/>	Judgment after bench trial	<input type="checkbox"/>	Grant/Denial of NRCP 60(b) relief
<input type="checkbox"/>	Judgment after jury verdict	<input type="checkbox"/>	Grant/Denial of Injunction
<input type="checkbox"/>	Summary Judgment	<input type="checkbox"/>	Grant/Denial of declaratory relief
<input type="checkbox"/>	Dismissal	<input type="checkbox"/>	Review of agency determination
<input type="checkbox"/>	Lack of jurisdiction	<input type="checkbox"/>	Divorce Decree
<input type="checkbox"/>	Failure to state a claim	<input type="checkbox"/>	original modification
<input type="checkbox"/>	Failure to prosecute	<input type="checkbox"/>	Other disposition (Specify):
<input type="checkbox"/>	Other (specify):		

5. Does this appeal raise issues concerning any of the following:

☒ Child Custody  
☐ Venue  
☐ Termination of Parental Rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal: None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g. bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition: N/A

8. Nature of the action. Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

Appellant appeals the court's decision to modify joint physical custody of the minor child; Appellant does not believe Respondent met her burden of proof to modify custody; and further that the court already had its mind made up by prior comments from the bench.

9. Issues on appeal. State concisely the principal issue(s) in this appeal:

a. Did the court err by granting an evidentiary hearing on the matter.

b. Did the court err by failing to acknowledge, and address, the wrongful withholding of the minor child by the mother.

c. Did the court err by denying Dad's witness, who was a doctor.

d. Did the court err by failing to give weight to the child neglect of mom, who had a child molester in the residence with the child until he beat Mom severely and was arrested

e. Did the court err by failing to give appropriate weight to the evidence Dad provided showing that Mom was terminated from employment for child abuse, which information was obtained by subpoena, and was in the form of an Affidavit.

f. Did the court err by making findings in support of Respondent that were not supported by the evidence or the record.

g. Did the court err by relying heavily on Respondent's hearsay evidence, even in making its many findings.

h. Did the court err by failing to acknowledge that CPS' prior investigations were overturned and adjudicated in Thomas' favor in the parties 2019 J-case in its conclusions of law.

i. Did the court err by failing to address never evidence, including that just two weeks after the evidentiary hearing, the minor child was again subjected to another domestic situation in Mom's custody.

j. Is this court biased against fathers having equal rights.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised: Unknown

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer of employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130? N/A X YES \_\_\_\_\_ NO \_\_\_\_\_

12. Other issues. Does this appeal involve any of the following issues?
- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
  - ☐ An issue arising under the United States and/or Nevada Constitutions
  - ☐ A substantial issue of first impression
  - ☐ An issue of public policy
  - ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
  - ☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstances(s) that warrant retaining the case, and include an explanation of their importance or significance:

**Appellant believes it would benefit the Appeal if Appellant were appointed an attorney, to further brief these issues.**

14. Trial. If this action proceeded to trial, how many days did the trial last?

One day: 11/29/21

Was it a bench or jury trial? Bench trial.

15. Judicial disqualification. Did you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which justice?

N/A

### **TIMELINESS OF NOTICE OF APPEAL**

16. Date of entry of written judgment or order appealed from: ORDER, (filed on 2/4/22); Notice of Entry of Order filed 2/7/22

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A

17. Date written notice of entry of judgment or order served: 2/7/22

Was service by:

☐ delivery ☒ by mail

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b) or 59): N/A

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

1 ☐ NRCP 50(b) Date of filing  
2 ☐ NRCP 52(b) Date of filing  
3 ☐ NRCP 59 Date of filing

Attach copies of all post-trial tolling motions.

NOTE: Motion made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See *AA Primo Builders v. Washington*, 126 Nev. \_\_\_, 245, P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_  
(attach copy)

(c) Date written notice of entry of order resolving motion served \_\_\_\_\_  
(attach copy - include proof of service)  
was service by:  
\_\_\_\_ delivery  
\_\_\_\_ mail

19. Date notice of appeal was filed: 2/24/22

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal: N/A

20. Specify statute or rule governing the time limit for filing the Notice of Appeal, eg. NRAP 4(a), NRS 155.190 or other: NRAP 4(a)

### SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)  
NRAP 3A(b)(1): X NRS 155.190 (specify subsection):  
NRAP 3A(b)(2): NRS 38.205 (specify subsection):  
NRAP 3A(b)(3): NRS 703.376 (specify subsection):

Other (specify): \_\_\_\_\_

(b) Explain how each authority provides a basis for appeal from the judgment or order:

Order prohibits corrections to PERS in the future,

22. List all parties involved in the action in the district court:

Appellant: Robert Haer  
Respondent: Carol Reyes

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, eg. formally dismissed, not served, or other: N/A



23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e. order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

Appellant: Seeks to maintain joint physical custody; obtain counseling/therapy.

Respondent: Seeks sole legal and physical custody with supervised visitation only to Dad.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL parties to the action below:

Yes ☒ No

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below: Same parties

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes \_\_\_ No ☒.

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment

Yes No ☒

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g. order is independently appealable under NRAP 3A(b):

Order is independently appealable under NRAP 3A(b).

27. Attach file-stamped copies of the following documents:

a. The latest filed complaint, counterclaims, cross-claims, and third-party claims.

b. Any tolling motion(s) and order(s) resolving tolling motion(s)

c. Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims, and/or third party claims asserted in the action or consolidated action below, even if not at issue on appeal.

d. Any other order challenged on appeal.

e. Notices of Entry for each attached order.

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**VERIFICATION**

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Thomas Bahr

THOMAS BAHR

3/18/22

Date

CLARK COUNTY, NEVADA  
State and county where signed

**CERTIFICATE OF SERVICE**

I certify that on the 22 day of March, 2022, I served a copy of this completed docketing statement upon all counsel of record:

     By personally serving it upon him/her; or

  X   By mailing it by first class mail with sufficient postage prepaid to the following address:

Gesenia Arteaga  
804 Sarajane Lane  
Las Vegas, NV 89107

Dated this 18 day of March, 2022.

Thomas Bahr  
THOMAS BAHR