

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BETHANY CLARK,
Appellant,
vs.
VICTOR GUERRERO; AND MARIA
GUERRERO,
Respondents.

BETHANY CLARK,
Appellant,
vs.
VICTOR GUERRERO; AND MARIA
GUERRERO,
Respondents.

No. 67269

FILED

DEC 29 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK
No. 68989 ✓

*ORDER ADMINISTRATIVELY CLOSING APPEAL
IN DOCKET NO. 68989 AND DIRECTING RESPONSE
REGARDING BRIEFING SCHEDULE*

These are two appeals challenging district court orders regarding child custody.

Administrative closure of Docket No. 68989

In Docket No. 67269, appellant appeals from a district court order declining to terminate respondents' visitation rights, pending the meeting of certain conditions by respondents. Because this order was conditional, it did not appear to be a final judgment or an order that finally established or altered the custody of a minor child. As a result, it appeared that the notice of appeal was premature. Thus, this court entered an order to show cause on September 18, 2015, directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant responded to the show cause order, arguing that

jurisdiction was proper because the order constituted a final judgment, an order finally establishing or altering the custody of a minor child, and a special order entered after final judgment.

Before this court's show cause order was entered, the district court issued a second order finding that respondents had attempted to meet the conditions put in place by the first order and concluding that the first order would therefore remain in place. Thus, the second order finalized the resolution of the custody issue and perfected jurisdiction, under NRAP 4(a)(6), over the premature notice of appeal in Docket No. 67269. Appellant later filed a new notice of appeal from the second order, which was inadvertently docketed as a new case, Docket No. 68989. Accordingly, the clerk of this court is directed to administratively close the appeal pending in Docket No. 68989, and to transfer the October 14, 2015, notice of appeal filed under that docket number to Docket No. 67269.¹ As a result, this court will consider appellant's challenges to both district court orders in the context of that appeal.

Briefing


A briefing schedule was entered in Docket No. 68989 on October 19, 2015.² Although this is a custody case, it appears that this appeal was inadvertently set on a regular briefing schedule under NRAP 31(a), rather than a fast track schedule under NRAP 3E. As a

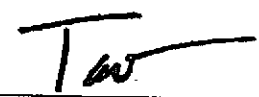
¹The clerk shall also transfer the October 19, 2015, confidential civil cover sheet; October 21, 2015, transcript request form; October 27, 2015, docketing statement; November 2, 2015, certificate of mailing; and November 06, 2015, notice regarding transcripts from Docket No. 68989 to Docket No. 67269.

²Fast track briefing was previously completed in Docket No. 67269.

result, we stay the October 19 briefing schedule, and we direct appellant to file and serve, within 11 days of the date of this order, a response addressing whether this appeal should be placed on an expedited briefing schedule under NRAP 3E. Respondents shall have five days from service of appellant's response to file and serve any reply.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Vincent Ochoa, District Judge
Mills & Mills Law Group
Prokopius & Beasley
Eighth District Court Clerk