

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KAI PERRY,
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
LOLITA RIMSON,
Real Party in Interest.

No. 83054-COA

FILED

JUN 15 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

In this original, emergency petition for a writ of mandamus, petitioner Kai Perry challenges an alleged June 9, 2021, ruling denying his motion for an evidentiary hearing to determine whether California custody orders are entitled to full faith and credit enforcement in Nevada and directing that he return the parties' minor child to real party in interest Lolita Rimson by 3 p.m. today.


Having considered the petition and supporting documentation, we conclude that our extraordinary and discretionary intervention is not warranted at this time. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). In the petition, Kai alleges that the California court lacked subject matter jurisdiction, was a less convenient forum, and accepted jurisdiction based on fraudulent information, among other things. However, it appears that the California court at some point

determined it had jurisdiction to enter the orders, and it is unclear how these issues were presented to and decided by the Nevada district court, as no copies of Kai's motion for an evidentiary hearing, any opposition to the motion, or the district court's resulting order were provided in the appendix. See NRAP 21(4) (requiring petitioner's appendix to include all documents essential to understanding the matters in the petition): *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioners carry the burden of demonstrating that extraordinary relief is warranted."). Nor was a complete history of the various proceedings in both states provided.

Further, while we recognize that Kai has made some allegations related to the safety of the child if allowed to return to California with Lolita and argues that the Nevada court has authority to accept emergency jurisdiction, there is no evidence in the appendix that such allegations have not been or cannot be presented to the California court or that any request for emergency jurisdiction has been made to and denied by the Nevada court. Accordingly, we conclude that Kai has not demonstrated any basis on which this court should intervene at this time, and without prejudice to Kai's ability to again seek writ relief if demonstrably merited or to appeal (if appropriate) from the district court's order, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Dawn Throne, District Judge, Family Court Division
Alex B. Ghibaudo, PC.
The Law Offices of Frank J. Toti, Esq.
Eighth District Court Clerk