

MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
TAMI D. COWDEN, ESQ.
Nevada Bar No. 8994
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
godfrey1@gtlaw.com
Attorneys for Appellant Richard A. Hunter

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**SUPREME COURT
OF THE STATE OF NEVADA**

RICHARD A. HUNTER, an individual,

CASE NO. 63804

Appellant,

**Opposition to Respondent's
Misnamed Motion to Dismiss Appeal**

v.

WILLIAM GANG, an individual,

Respondent.

Appellant Richard A Hunter, by and through counsel, Greenberg Traurig, LLP, submits this **Opposition to Respondent's Misnamed Motion to Dismiss Appeal.**

1. On April 8, 2014, Respondent filed a document which *purported* to be a "response" to Appellant's Motion to Consolidate Appeal Nos. 63804 with 59691; however, this purported Response was filed only in Case No. 63804, and not in Case No. 59691.

2. In this filing, Respondent requested that Case No. 63804 be dismissed, on grounds wholly unrelated to the issue of consolidation. Accordingly, the filing was, in fact, a motion by Respondent seeking affirmative relief. Indeed,

Respondent's only *substantive* reference to the Motion to Consolidate was that it should be granted, if the Appeal were not dismissed.

3. Respondent's April 8, 2014 request for the dismissal of Case No. 63804 was based upon a procedural deficiency that no longer existed at the time of the request, *i.e.*, a failure to pay a filing fee that had, in fact, been paid on March 19, 2014.

4. The previous failure to pay the filing fee in response to this Court's order that the Amended Notice of Appeal be redocketed as a new Notice of Appeal was an oversight, a fact evidenced by Counsel's mistaken assertion regarding payment (and a request that a refund be ordered) in Appellant's Motion to Transfer Amended Notice of Appeal to Case No. 59691.

5. This Court was aware of the failure to pay and the request for refund, as these matters were discussed in this Court's order denying the Motion to Transfer and Ordering Payment of the Filing Fee, issued on March 12, 2014.

6. This Court accepted the payment of the filing fee on March 19, 2014.

7. In light of this Court's order relating to the issue of the nonpayment of the fee, and the failure of Respondent to file his purported response in both of the cases wherein the Motion to Consolidate was filed, Respondent's filing appears actually to have been either a belated request for rehearing of a this Court's order, or a motion for affirmative relief.

8. Respondent's fugitive motion for rehearing /to dismiss the appeal should be denied, as there was no prejudice to any party resulting from the belated payment, save that Appellant has been forced to respond to Respondent's request for dismissal.

Accordingly, Appellant respectfully requests that this Court deny the Respondent's request to dismiss Case No. 63804.

Respectfully submitted this 17th day of April 2014.

GREENBERG TRAURIG, LLP

/s/ Tami D. Cowden

Tami D. Cowden, Esq.

Nevada Bar No. 8994

Mark E. Ferrario, Esq.

Nevada Bar No 1625

3773 Howard Hughes Parkway

Ste. 400 N

Las Vegas, Nevada 89169

*Attorneys for Appellant Richard
Hunter*

CERTIFICATE OF SERVICE

This is to certify that on April 17, 2014, a true and correct copy of the foregoing **Opposition to Respondent's Misnamed Motion to Dismiss Appeal** was served by United States Mail, first class, on counsel of record for all parties to the action below in this matter, as follows:

Albert G. Marquis, Esq.
Tye S. Hanseen, Esq.
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Respondent William Gang

/s/ S. Renee Hoban
An employee of GREENBERG TRAURIG

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