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Tracie K. Lindeman
Clerk of Supreme Court

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK**

KEVIN DANIEL ADRIANZEN,

No.: 66565

Plaintiff,

vs.

**REPLY TO RESPONDENT'S
OPPOSITION TO JOINT STIPULATION
TO EXTEND TIME TO FILE
APPELLANT'S OPENING BRIEF**

PAIGE ELIZABETH PETIT,

Defendant.

Appellant, by and through her undersigned counsel, Telia U Williams, Esq., of the Law Office of Telia U. Williams Esq., hereby replies to Respondents's Opposition to Extend Time to File Appellant's Opening Brief.

Respondent Kevin Adrianzen, attempting to act pro se, has filed in proper person an Opposition to the Motion/Joint Stipulation that his counsel—who was lawfully acting as his duly licensed and appointed counsel, Michael Strange, Esq.—signed, executed, and filed with the

Appellant on or near July 11, 2015. Mr. Adrianzen's filed Opposition on July 14, 2015, is therefore improper, and should be denied, if not, disregarded.

First, Mr. Adrianzen has already acted through counsel to request of appellant's counsel, Telia U. Williams, Esq., and then sign a stipulation for action by the court, to extend the time of appellant to file her Opening Brief. Mr. Adrianzen, who was at all times, represented by counsel, is bound by his attorney's action. This very Court, in another issue on appeal, involving extensions of an appellate brief, has ruled that "a civil litigant is bound by the acts or omissions of its voluntarily chosen attorney." *Huckabay Properties, Inc. v. NC Auto Parts, LLC*, 130 Nev. Adv. Op. 23 (Nev. Sup. Ct., March 27, 2014). See, also, e.g., *Gagnon Co., Inc. v. Nevada Desert Inn*, 45 Cal. 2d 448, 459-60 (1955); *Ghiringhelli v. Riboni*, 95 Cal. App. 2d 503 (1950).

Here, Mr. Adrianzen hired counsel, which counsel made an appearance on appeal. (Although Mr. Adrianzen's attorney has recently filed a motion to withdraw as counsel, *he is still acting as counsel inasmuch as the motion has not yet been granted, and Mr. Strange is still counsel of record in the interim*). Mr. Strange, conferred with appellant's counsel, and reached a mutual decision that the Opening Brief deadline should be extended. Mr. Adrianzen *cannot now* dispute it. To do so would be to impose a burdensome prejudice on appellant and appellant's counsel which has relied upon his counsel's representations as to the efficacy of the extension, *and* the likelihood of extension, given the joint stipulation.

Second, one of the reasons for seeking extension is so that the parties could continue discussing settlement. Mr. Adrianzen himself asked appellant's counsel, Ms. Williams, *for an opportunity to discuss settlement with the appellant in an email to Ms. Williams, just a day before filing the contradictory "Opposition" to the stipulation he agreed to, by way of counsel. See Exhibit A. Mr. Adrianzen cannot have it both ways.* He cannot **both** ask for additional time to

discuss settlement (both through counsel and then on his own initiative), **and** then oppose the appellant's (and *his*) request for a brief extension of time in which to submit the Opening Brief in order to address settlement. Mr. Adrianzen cannot deny seeking time to discuss settlement—his very email reveals the same! *See id.*

Mr. Adrianzen is acting inconsistently, and to allow his now, contradictory, request, would be to submit the appellant to extreme prejudice. It would also contravene the aim of proper decorum and courtesy between civil litigants, and the proper and orderly procedure, both formal and informal, of this court. Mr. Adrianzen's opposition should not only be denied, but insofar as it contradicts his earlier request made through counsel, it should be disregarded. The due date of Appellant's Opening Brief, should be extended to August 5, 2015, as stipulated to by Respondent's counsel.

DATED this 16th day of June, 2015.

 /s/ Telia U. Williams, Esq.
Law Office of Telia U. Williams
Telia U. Williams, Esq.
Nevada Bar No. 9359
10161 Park Run Drive, Suite
Las Vegas, NV 89145

CERTIFICATE OF SERVICE

Pursuant to the Nevada Rules of Civil Procedure, I certify that I am an employee of the Law Office of Telia U. Williams and that on this 16th day of June, 2015, I caused a true and correct copy of the above and foregoing Motion For Extension Of Time To File Opening Brief, Second Request to be served through the WIZNET e-filing system in accordance with the mandatory electronic service requirements of Administrative Order 14-2, and the Nevada Electronic Filing and Conversion Rules of the Eighth Judicial District Court, Nevada (or, if necessary, by United States Mail, first class, postage prepaid), to the following:

MICHAEL S. STRANGE, ESQ.
633 S. 4th Street; Suite 10
Las Vegas, Nevada 89101
Attorney for Respondent

Kevin D. Adrianzen
9145 West Richmar Avenue
Las Vegas, NV 89178
Respondent

/s/ David DaSilva

Employee of Law Office of Telia U. Williams

Exhibit A

From: Matty Adrianzen [mailto:matty89178@gmail.com]
Sent: Thursday, July 9, 2015 11:29 AM
To: teliauwilliams@telialaw.com
Subject: Adrianzen v. Peitit

Ms. Williams,

I am sending you this email via my mother's email address in regards to several issues. One of these issues is that of the Supreme Court pending case where you filed a motion for extension of time to file the Opening Brief and the specific language used to ensure the Supreme Court would grant said motion. In that motion two reasons for the extension were stated with the he first being due to Mr. Strange filing a motion to withdraw as my attorney of record the extension of time would allow me additional time to acquire new counsel in this case and the second reason being that the extension would additionally provide assistance for continued talks to settle this case since both parties wish to avoid a situation where a settlement could be reached after the filing of the Opening Brief.

I am prepared to submit my opposition to the motion due to the fact that I will not be obtaining counsel in this matter and will represent myself if the case is accepted following the filing of the Opening Brief therefore additional time would not be needed on that point and since there have been no talks to continue in order to settle this case, the extension would not be necessary. I believe this latter reason being requested under inaccurate information since there have been no talks towards settling after the case being in the settlement program. Since it has been stated that both parties would like to reach a settlement I am contacting you to confirm and inform you that I am prepared to consider discussions and/or a proposal in an effort to settle. If your client is not open to discussions or making a proposal, then I will proceed with filing my opposition to the extension tomorrow.

The other issues that I am contacting you in regards to are violations of the Decree of Divorce. The most recent and specific second occurrence in addition to varying other multiple violations by your client, which could be discussed individually that I am referring to is the minor child, Ryder Petit-Adrianzen, being taken out of Nevada without prior written notice. The first occurrence was in December of 2014 and most recently in late June of 2015. Not only was prior written notice not provided as the court ordered, I received no information for the December incident until the day before the minor child returned to Nevada and on the most recent occurrence I have received no information to date. As I am sure you would agree, this is a matter of concern that should be brought to the Family Court's attention in addition to other violations I have documented. I am prepared to discuss settling these violations as well to avoid filing a contempt motion if your client so desires.

I would like to have an answer by tomorrow in order to hold back or move forward on filing my opposition with the Supreme Court if your client is interested in presenting a proposal to settle this case and prevent the filing of a contempt motion with the Family Court. I am reaching out in a sincere effort to discuss a potential settlement and agreement in both matters. Please respond to this email address as the response will be provided to me in a timely manner.

Sincerely,

Kevin D. Adrianzen