

FILED

SEP 30 2015

IN THE SUPREME COURT OF NEVADA

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

Paige Elizabeth)
Petit,)
)
Appellant,)
)
vs.)
)
Kevin Daniel)
)
Adrianzen,)
)
)
Respondent.)

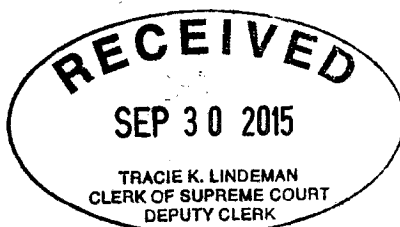
Court Docket No.:
66565

District Court Case
No.
D-13-489540-N, Consol
idated with
D-13-489542-D

Motion to Dismiss

Respondent, Kevin Daniel Adrianzen, acting in pro se, hereby
moves this Honorable Court to dismiss the above-mentioned case.

This case is an appeal of a district court order for the name
change of a minor child. This case was filed on September 23,
2014. This case was assigned to the settlement program on
September 29, 2014. The parties were unable to reach a



15-29699

settlement on this matter and an order reinstating the briefing was filed on May 14, 2015. Appellant's counsel made a telephonic request to extend time on June 26, 2015 and was granted until July 7, 2015 to file and serve the opening brief and appendix. On July 1, 2015, the respondent's counsel filed a motion to withdraw as attorney of record in this matter. On June 6, 2015, the appellant's counsel filed a second a second request for an extension of time to file the opening brief for an additional 30 days. On August 5, 2015, a stipulation requesting an extension of time for an additional 30 days.

On July 20, 2015, an order was issued granting the motion to withdraw as counsel for the respondent and suspended the opening brief and allow the respondent 30 days to either obtain counsel or to inform the court the intent to not retain counsel and proceed in prose. On July 28, 2014, respondent filed a proper person notice of pro se representation.

On August 6, 2015, the court entered an order reinstating the briefing schedule within 30 days and that the briefing would proceed in accordance with NRAP 31(a)(1) and further stated that failure to comply with the order that sanctions could apply

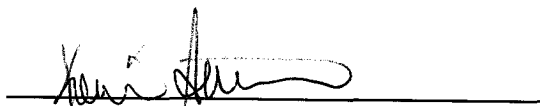
based on NRAP 31(d). On September 8, 2015, appellant's counsel submitted the opening brief and appendix which was rejected by the clerk of court due to the size of the footnotes being 12-point instead of the required 14-pt; due to the body of the text being 12-point instead of the required 14-pt; 3) and additionally, the Certificate of Compliance used was not being the most updated and current version.

NRAP 32 outlines in detail the form required by this court for briefs. Appellant's counsel has access to the Nevada Rules of Appellate Procedures. Since the brief did not conform to these rules, the brief was not filed by the briefing schedule ordered on August 6, 2015 by this court. NRAP 31(3) states "A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27." The appellant's counsel has now filed an ex parte motion for extension of time to file opening brief with a special review requested. This motion was filed on September 16, 2015. This motion is in violation of NRAP 31(3) since this motion was filed eight days after the due date of September 8, 2015. Despite the numerous "reasons" given

in the motion, it is clearly in violation of NRAP(31)(3). The fact is that the motion was not in conformance with this court's formality requirements and was filed on the last day of the briefing schedule.

Had the brief followed the Nevada Rules of Appellate procedures and been filed prior to the last day of the briefing schedule, the predicament counsel finds herself in would not be an issue. While "reasons" are provided to the court, they do not change the fact that the brief was not filed on time in accordance with proper form and additionally the subsequent request for extension of time was filed beyond the due date of the opening brief. Furthermore, NRAP(31)(3)(d) states, "If an appellant fails to file an opening brief or appendix within the time provided by this Rule, or within the time extended, a respondent may move for dismissal of the appeal."

Dated this 23rd day of September, 2015



Kevin Daniel Adrianzen,
Respondent

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