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**IN THE
SUPREME COURT OF THE STATE OF NEVADA**

Estate of MICHAEL DAVID ADAMS,
By and through his mother JUDITH
ADAMS, Individually and on behalf of
the Estate,

Appellant,

vs.

SUSAN FALLINI,

Respondent.

Electronically Filed
June 18 2015 03:48 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Supreme Court No. J68033
District Court Case No. CY 24539

**RESPONSE TO APPELLANT'S
DOCKETING STATEMENT**

14 Respondent, Susan Fallini (“**Ms. Fallini**”), by and through her attorney of
15 record, David R. Hague, pursuant to Nevada Rules of Appellate Procedure 14(f),
16 hereby files this Response to Appellant’s Docketing Statement filed June 10, 2015.
17 Specifically, Ms. Fallini objects to Appellant’s mischaracterization of the issues on
18 appeal. Ms. Fallini also requests that this Court impose sanctions on Appellant and
19 her counsel and dismiss the appeal since the information provided is inaccurate and
20 contravenes this Court’s prior order dated January 15, 2015.

21 Dated this 18th day of June, 2015.

FABIAN & CLENDENIN, P.C.

/s/ David R. Hague

David R. Hague, Esq.

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RESPONSE

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2 On May 21, 2014, Ms. Fallini filed a Motion for Relief from Judgement
3 Pursuant to NRCF 60(b) alleging that Appellant’s counsel committed fraud upon
4 the court. The District Court agreed, and on August 6, 2014, it granted Ms.
5 Fallini’s motion and set aside the improper judgment (the “**60(b) Order**”).
6 Appellant filed a Petition for Extraordinary Relief (No. 66521), challenging the
7 60(b) Order (the “**Writ**”). This Court properly denied the Writ as it challenged a
8 substantively appealable order, finding that while the 60(b) Order “was subject to
9 challenge by appeal . . . petitioner did not file a notice of appeal within the 33-day
10 appeal period.” (*See Order Denying Petition for Extraordinary Relief*, dated Jan.
11 15, 2015). Accordingly, this Court declined to consider the Writ. (*Id.*)

12 After the failed, untimely appeal, Appellant brought countermotions before
13 the district court requesting reconsideration, rehearing or setting aside of the 60(b)
14 Order, copying wholesale from the Writ the same arguments that this Court refused
15 to entertain. The District Court denied the countermotions as improper.

16 In this appeal, each of Appellant’s issues begins by improperly attempting to
17 revive the original default judgment: “[b]ecause the original default judgment and
18 all related issues in this case had already been considered and decided”
19 Appellant is arguing that the original default judgment *that was set aside* by the
20 60(b) Order, and which this Court denied appeal therefrom, provides basis for its
21 current appeal. This is simply another attempt to cure an untimely appeal and
22 circumvent this Court’s January 15, 2015 Order.

23 There can only be one issue before this Court: whether the District Court
24 erred in granting Defendant’s Motion for Final Judgment. The issues identified in
25 Appellant’s Docketing Statement speak solely and directly to the 60(b) Order.
26 (Docketing Statement at ¶ 9, Supplemental Answers at Nos. 8, 9). This Court
27 already refused to permit Appellant to recast her untimely appeal and have these
28 very issues heard. It must so decline to consider them again.

