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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  
Supreme Court No. 68033 2016 10:37 a.m.  
Tracie K. Lindeman  
District Court Case No. CV 24539  
Clerk of Supreme Court

**RESPONSE TO APPELLANT'S  
MOTION FOR ACCEPTANCE  
AND REVIEW OF VIDEO  
EXHIBIT**

14 Respondent, Susan Fallini, by and through her attorney of record, David R.  
15 Hague, hereby respectfully submits this Response to Appellant's Motion for  
16 Acceptance and Review of Video Exhibit that was filed on January 21, 2016.

17 Appellant submits the video to support an argument of improper behavior of  
18 Respondent based upon the attendance of Respondent's family, friends, and  
19 supporters at a hearing held on July 28, 2014. Appellant asserts that the video is a  
20 necessary part of the trial record, but it is not.

21 First, court attendance should be encouraged, as the open court system of  
22 America and its individual States is one of three pillars holding up our freedoms and  
23 rights. Courts are open to the public and judges publish their opinions for this very  
24 reason. Accusing Respondent of improper behavior because of her supporters'  
25 attendance is offensive to our open court system and the principles upon which it  
26 stands.

1           Second, and more importantly, the district court judge was not influenced by  
2 the attendance at the hearing, contrary to Appellant’s assertion:

3  
4                   Mr. Hague: . . . . Mr. Aldrich referring to all of these  
5 people here today and then somehow wants to use that to say you’re up  
6 for election is so irrelevant to this case. Most of these people here are  
7 not in this district. They’re here because they love Ms. Fallini, and  
8 they’re here because their livelihood is affected by this decision.

9                   The Court: I’m not letting emotion interfere with the  
10 decision.

11                   Mr. Hague: Thank you.

12                   The Court: I don’t care about these people. I’m just  
13 kidding. But I’m not . . . going to let emotion in.  
14 (Hr’g July 28, 2014 54:9-23).

15           The district court judge also did not rule from the bench at the hearing, but  
16 instead took the matter under advisement and drafted a thoughtful order based on  
17 the pleadings and arguments made at the hearing and after being far removed, in  
18 both time and distance, from the courtroom observers. The video will not refute  
19 these points.

20           The August 6, 2014 Order that set aside a default judgment states that the  
21 court found, based on the evidence and facts before it, that Mr. Aldrich committed  
22 fraud upon the court. The finding of fraud upon the court had nothing to do with  
23 courtroom observers. Further, the point is moot as the hearing in question is based  
24 on an order that was not timely appealed, and a special Writ seeking relief to  
25 untimely appeal was denied by this Court. (Order Denying Petition for Extraordinary  
26 Relief Jan. 15, 2015). The district court exercised its discretion and judgment to  
27 determine that Nevada Rule of Civil Procedure 60(b) allowed relief to be granted to  
28 Respondent due to this finding of fraud upon the court.

          The video of the July 28, 2014 hearing will not provide any more clarity into  
the purported “reality and gravity” of the situation at the hearing than the district

1 court judge's own pronouncement that the observers did not impact the proceedings  
2 nor the judge's ability to make a sound judgement.  
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5 Dated this 29th day of January, 2016.

**FABIAN & CLENDENIN, P.C.**

7 /s/ David R. Hague  
8 David R. Hague, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of February, 2016, I caused a true and correct copy of the foregoing **RESPONSE TO APPELLANT’S MOTION FOR ACCEPTANCE AND REVIEW OF VIDEO EXHIBIT** to be served via U.S. mail, postage prepaid as follows:

John P. Aldrich, Esq.  
Aldrich Law Firm, Ltd.  
1601 S. Rainbow Blvd., Ste. 160  
Las Vegas, NV 89146

/s/ Cathy Murdock  
*An employee of Fabian & Clendenin*