

IN THE SUPREME COURT OF THE STATE OF NEVADA

INGRID PATIN, AN INDIVIDUAL; AND
PATIN LAW GROUP, PLLC, A
PROFESSIONAL LLC,

Appellants,

v.

TON VINH LEE,

Respondent.

Electronically Filed
Jul 31 2017 04:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 69928
District Court Case No. A-15-73334-C

**RESPONDENT'S REPLY TO APPELLANTS' MOTION
TO STAY BRIEFING SCHEDULE**

PRESCOTT T. JONES, ESQ.
Nevada Bar No. 11617
RESNICK & LOUIS, P.C.
5940 S. Rainbow Blvd.
Las Vegas, Nevada 89148
Telephone: (702) 997-3800
Facsimile: (702) 997-1029
pjones@rlattorneys.com
Attorneys for Respondent Ton Vinh Lee

Appellants' request to stay the briefing schedule must be denied for the simple reason that there is not a final judgment or any other grounds that allows for an appeal to be taken. Standing to appeal is governed by NRAP 3A(b), which provides that an appeal may be taken from the judgments and orders of a district court in a civil action enumerated therein. Nowhere in NRAP 3A does it state that a denial of a summary judgment motion can be appealed.

Indeed, a denial of a summary judgment motion can only be addressed by this Court via a petition for a writ. A writ petition may be denied by this Court without directing an answer. NRAP 21(b). Indeed, this Court "will only consider writ petitions challenging a district court denial of a motion for summary judgment when no factual dispute exists and summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification." Walters v. Eighth Judicial Dist. Court, 127 Nev. 723, 727, 263 P.3d 231, 234 (2011). Because Appellants have not pointed to a lack of factual disputes, and cannot show summary judgment is clearly required by statute or rule, they cannot argue that this Court is likely to accept any writ petition.

Because acceptance of any writ petition is speculative at best, Appellants' motion for a stay of the briefing schedule must be denied. Additionally, as this appeal has been pending since March 9, 2016, an undefined, potentially indefinite extension of time is unwarranted.

Dated this 31st day of July, 2017.

RESNICK & LOUIS, P.C.

/s/ Prescott T. Jones

PRESCOTT T. JONES, ESQ.

Nevada Bar No. 11617

5940 S. Rainbow Blvd.


Las Vegas, Nevada 89148

Attorneys for Respondent Ton Vinh Lee

I hereby certify that I am an employee of Resnick & Louis, P.C., and on the 31st day of July, 2017, I mailed a copy of the filed Notice of New Firm upon the following party via first class mail with sufficient postage prepaid to the following address:

Christian M. Morris, Esq.
Brian D. Nettles, Esq.
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89104
Attorneys for Appellant

DATED this 31st day of July, 2017.



Lisa G. Bell