

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYUDMYLA ABID,

Appellant,

vs.

SEAN ABID,

Respondent.

Electronically Filed
Aug 31 2016 10:02 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

S.C. DOCKET NO.: 69995
District Court Case No. D-10-424830-Z

**OPPOSITION TO APPELLANT'S MOTION FOR PERMISSION TO FILE
REPLY TO FAST TRACK RESPONSE, AND TO FILE SUPPLEMENTAL
APPENDIX**

COMES NOW Respondent, Sean Abid, by and through his attorneys, John D. Jones, Esq., of the law firm of BLACK & LOBELLO, and files his Opposition to Appellant's Motion for Permission to File Reply to Fast Track Response, and to File Supplemental Appendix.

DATED this 31 day of August, 2016.

BLACK & LOBELLO

JOHN D. JONES, ESQ.

Nevada Bar No. 006699

10777 West Twain Avenue, Suite 300

Las Vegas, Nevada 89135

702-869-8801

Attorneys for Respondent,

SEAN ABID

POINTS AND AUTHORITIES

The motion currently before the Court is a perfect example of Appellant seeking a second bite of the apple. Appellant's fast track statement discussed the propriety of the Court adopting the vicarious consent doctrine. As such, Respondent provided the Court with the case authority to support the District Court's evidentiary rulings. In addition, because the vicarious consent doctrine is an issue of first impression, the authorities were offered in the event that this Court chose to approve of the doctrine as part of its adjudication of the appeal.

Moreover, Respondent did not file an appeal of the District Court Order, because he was the prevailing party. As such, the discussion of whether the tapes should have been admitted could never be construed as a request for affirmative relief. For this reason, a Reply to Respondent's Fast Track Response is

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unnecessary and inappropriate. A Reply would also likely lead to Respondent seeking leave of Court to file a response. Appellant's motion should be denied and fees awarded to Respondent for having to file this opposition.

DATED this 31 day of August, 2016.

BLACK & LOBELLO




JOHN D. JONES, ESQ.
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10777 West Twain Avenue, Suite 300
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Attorneys for Respondent,
SEAN ABID

CERTIFICATE OF MAILING

The foregoing “Opposition to Appellant’s Motion for Permission to File Reply to Fast Track Response, and to File Supplemental Appendix” in the above-captioned matter was served this date by mailing a true and correct copy thereof, via first class mail, postage prepaid and addressed as follows:

Radford J. Smith, Esq.
RADFORD SMITH CHTD.
2470 St. Rose Pkwy. Suite 206
Henderson, NV 89074
Attorney for Appellant
Lyudmyla Abid

Dated this 31st day of August, 2016 
Cheryl Berdahl
an Employee of Black & LoBello