

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYUDMYLA ABID,

Appellant,

vs.

SEAN ABID,

Respondent.

Electronically Filed
Mar 14 2017 12:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 69995

District Court Case No. D-10-424830-Z

**OPPOSITION TO APPELLANT'S MOTION TO SECURE APRIL 4, 2017
AT 1:30 P.M. AS THE DATE FOR THE *EN BANC* HEARING,
ALTERNATIVELY, MOTION FOR AN EXPEDITED HEARING**

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 to Secure April 4, 2017 at 1:30 P.M. as the Date for the *En Banc* Hearing, Alternatively, Motion for an Expedited Hearing.

DATED this 14 day of March, 2017.

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

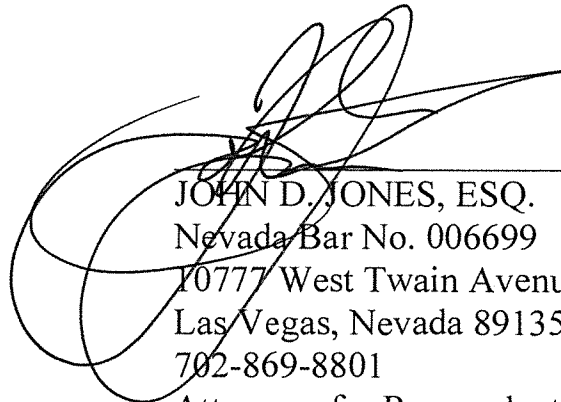
The motion currently before the Court is a perfect example of the absence of any reasonableness on the part of the appellant. It is just that type of unreasonableness that led the District Court to change custody in the first place. The arrogance of Appellant criticizing this Court for the number of days which have lapsed since the fast track response was filed is truly unbelievable. The undersigned does not blame Appellant's counsel, but the relief sought in the motion is improper given the information provided regarding the undersigned counsel's calendar in the week of April 4th.

When the possibility was raised, that argument could be scheduled for April 4th, the undersigned was pleased. Upon review of the undersigned's calendar, however, it was realized that there were two hearings already on calendar for April 4th. Moreover, the undersigned has a two-day trial in case number D-15-521839-D on a very complex divorce matter scheduled for the 6th and 7th. The entirety of the week leading up to the trial will be consumed with preparing for trial, in particular, the preparation of the undersigned's expert witness. What is so amazing about the appellant's position is that her own attorney, Radford J. Smith, was the mediator for the case set for trial on the 6th and 7th and knows how complicated the issues are.

There is no way for the undersigned to properly prepare for both an *En Banc* argument of a very complex child custody matter as well as the trial. All this information was provided to Appellant's counsel. It was anticipated that a supplement would be filed by Appellant's counsel removing the April 4th request and only seeking an expedited hearing date. Because no supplement was filed as of the writing of this opposition, it is unclear if such a supplement will, in fact, be filed. Regardless if Appellant's counsel is allowed to be reasonable despite Appellant's unreasonableness, to require the undersigned to prepare for this argument in the same week as he has a two-day trial would certainly prejudice Respondent. As such, the motion should be denied and the oral argument set as previously ordered, "at the Court's next available calendar."

DATED this 14 day of March, 2017.

BLACK & LOBELLO




JOHN D. JONES, ESQ.
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Attorneys for Respondent,
SEAN ABID

CERTIFICATE OF MAILING

The foregoing "Opposition to Appellant's Motion to Secure April 4, 2017 at 1:30 P.M. as the Date for the *En Banc* Hearing, Alternatively, Motion for an Expedited Hearing" 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 14th day of March, 2017


Cheryl Berdahl
an Employee of Black & LoBello