

1 LAW OFFICE OF DANIEL MARKS
2 DANIEL MARKS, ESQ.
3 Nevada State Bar No. 002003
4 NICOLE M. YOUNG, ESQ.
5 Nevada State Bar No. 12659
6 610 South Ninth Street
7 Las Vegas, Nevada 89101
8 (702) 386-0536; FAX (702) 386-6812
9 Attorneys for Appellant

Electronically Filed
Aug 21 2019 04:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10
11 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

12 DENNIS KOGOD,
13 Appellant,

Case No. 71147

14 vs.

15 GABRIELLE CIOFFI-KOGOD,
16 Respondent.

17
18 **RESPONSE TO OBJECTION**

19 COMES NOW, the Appellant, Dennis Kogod (“Dennis”), by and through
20 his counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of
21 Daniel Marks, and hereby submits his Response to Respondent Gabrielle Cioffi-
22 Kogod’s (“Gabrielle”) Objection to Verified Bill of Costs to Prepare Appendix, as
23 follows:

24 On April 30, 2019, Dennis filed his Bill of Costs in this case. This Bill of
25 Costs was based on NRAP 39. Dennis also requested he be reimbursed for the
26 costs of preparing the appendix because Gabrielle refused to share that expense,
27 pursuant to NRAP 30(h). That Bill of Costs included an invoice for the costs that
28 Dennis sought reimbursement.

When Dennis initially submitted his Bill of Costs on April 30, 2019, he did
not include all costs associated with preparing the appendix because NRAP 39
limits the award of costs to copies and transportation. Gabrielle never filed an
objection to this bill of costs within the 5 days allowed under NRAP 39(c)(4).

1 On July 31, 2019, this Court entered an Order granting Dennis' request to
2 be reimbursed for one-half of the costs associated with preparing the Appendix in
3 the instant appeal. Because Dennis already included an invoice for the costs
4 sought under the April 30th bill of costs, this Court could have simply granted
5 those costs. Instead, it allowed him to submit invoices for the total amount of costs
6 incurred in the preparation of the appendix. This Court's order verified that Dennis
7 could seek reimbursement of the additional costs not allowed under NRAP 39.

8 On July 31, 2019, Dennis filed his Verified Bill of Costs to Prepare
9 Appendix. This bill of costs attached invoices for each of the costs Dennis seeks
10 reimbursement. Gabrielle's claim that Dennis did not submit invoices in support of
11 these costs is simply incorrect. Dennis submitted the invoices that he was provided
12 at the time the cost was incurred and also submitted proof of payment for some of
13 those costs.

14 Gabrielle provides no objection to any of the invoices attached. Instead, she
15 argues Dennis' submission is untimely even though he filed all documents at issue
16 within days of the orders triggering those filings. Gabrielle did not object to the
17 first bill of costs filed, and she was four days late to object to the recent bill of
18 costs.

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 Based on the fact that Gabrielle has provided no substantive objection to
2 any of the costs or invoices for which Dennis seeks reimbursement, this Court
3 should order that Gabrielle must reimburse Dennis \$6,412.66 in costs, which is her
4 share of the preparation of the appendix in this matter. That appendix consisted of
5 47 volumes.

6 DATED this 21 day of ^{Aug}~~July~~, 2019.

7 LAW OFFICE OF DANIEL MARKS

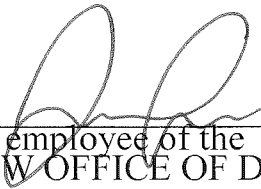
8 

9
10 DANIEL MARKS, ESQ.
11 Nevada State Bar No. 002003
12 NICOLE M. YOUNG, ESQ.
13 Nevada State Bar No. 12659
14 610 South Ninth Street
15 Las Vegas, Nevada 89101
16 Attorneys for Appellant
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the LAW OFFICE OF DANIEL
3 MARKS, and that on the 21 day of August, 2019, I did serve by Electronic Filing
4 a true and correct copy of the **RESPONSE TO OBJECTION**, as follows:

5 Radford J. Smith, Esq.
6 Radford J. Smith, Chartered
7 2470 St. Rose Parkway, Suite 206
8 Henderson, Nevada 89074
9 Counsel for Respondent

10 
11 An employee of the
12 LAW OFFICE OF DANIEL MARKS