

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH C. HOWARD,

an individual,

Appellant,

vs.

SHAUGHNAN L. HUGHES,

Respondent.

Supreme Court No. 72685
District Court Case No. 15-10DC-0876

RESPONSE TO DOCKETING STATEMENT
Electronically Filed
Apr 25 2017 11:27 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Pursuant to NRAP 14(f), Respondent, SHAUGHNAN L. HUGHES, by and through his counsel, ALLISON MacKENZIE, LTD., submits this Response to Appellant's Docketing Statement. The purpose of this response is to dispute Appellant's characterization of the issue on appeal and to point out various deficiencies in the Docketing Statement.

Appellant's response to question 9 of the Docketing Statement asserts that the sole issue on appeal is the District Court's improper application of Nevada law, alleging that the District Court's decision is "contrary to Nevada law." She then cites only four California cases to support this position. A review of the District Court's final order reveals that the decision was plainly founded in principles of Nevada law.

On the cover page of the Docketing Statement, Appellant and her counsel were warned that the docketing statement "must be completed fully, accurately and on time" and that the purpose of the statement is, in part, "to assist the Supreme Court in...assessing presumptive assignment to the Court of Appeals under NRAP 17." These requirements and guiding principles are contained in NRAP 14. Appellant and her counsel are also warned that they may be sanctioned for failure to fully complete the docketing statement.

Appellant failed to provide an answer to Question 13 of the Docketing Statement regarding the presumptive assignment or retention of this case by the Supreme Court. This case should be retained by the Supreme Court pursuant to NRAP 17(11) (resolution of inconsistent Supreme Court decisions). Respondent will seek clarification of the applicability of *Sack v. Tomlin*, 110 Nev. 204, 871 P.2d 298 (1994) and possible reversal, in part, of *Langevin v. York*, 111 Nev. 1481, 907 P.2d 981 (1995).

Appellant failed to provide an answer to Question 23 of the Docketing Statement setting forth the claims of the parties below and the dispositions thereof. Respondent filed a single claim for partition of real property pursuant to NRS Chapter 39, which was formally disposed of by the District Court's February 27, 2017 Order. Appellant filed various counterclaims that were dismissed by the District Court on January 7, 2016.

Lastly, it does not appear that Appellant attached any of the required documents listed in question 27 of the Docketing Statement. Respondent respectfully requests that Appellant be required to file a complete and accurate Docketing Statement and be sanctioned for the above-referenced deficiencies.

DATED this 24th day of April, 2017.

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JUSTIN M. TOWNSEND, ESQ.
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Attorneys for Respondent,
SHAUGHNAN L. HUGHES

CERTIFICATE OF SERVICE

Pursuant to NRAP Rule 25(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date I caused the foregoing document to be served as follows:

X Via Supreme Court's Eflex notification system:

Charles R. Kozak, Esq.
chuck@kozaklusianilaw.com

X Placing a true copy thereof in a sealed postage prepaid envelope, first class mail, in the United States Mail in Carson City, Nevada [NRAP 25(c)(1)(B)]:

Jonathan L. Andrews
Settlement Judge
14300 Poleline Road
Reno, NV 89511

DATED this 24th day of April, 2017.

/s/ Nancy Fontenot
NANCY FONTENOT