

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown  
Clerk of Supreme Court

ELIZABETH C. HOWARD,  
an individual,

Case No. 72685

Appellant,

vs.

SHAUGHNAN L. HUGHES,

Respondent.

ELIZABETH C. HOWARD,  
an individual,

Case No. 72965

Appellant,

vs.

SHAUGHNAN L. HUGHES,

Respondent.

**RESPONDENT, SHAUGHNAN L. HUGHES' REPLY TO OPPOSITION TO  
MOTION TO BIFURCATE APPEALS AND TO REINSTITUTE BRIEFING  
SCHEDULE IN DOCKET NO. 72685**

COMES NOW, Respondent, SHAUGHNAN L. HUGHES, by and through his  
counsel, ALLISON MacKENZIE, LTD., and hereby replies to Appellant's Opposition  
to Motion to Bifurcate and Reinstitute Briefing. This Reply is made and based on the  
following points and authorities together with all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Appellant contends that these consolidated appeals should not be bifurcated  
because, she posits essentially, that no facts have changed since the Court's decision

1 to consolidate these appeals on July 19, 2017. Appellant's statements are vague and  
2 lack any analysis or recitation to specific facts to support her argument.

3 The unquestionable reality is that the facts at issue here have changed  
4 significantly since July 19, 2017. On July 19, 2017, the facts consisted of Appellant  
5 having filed two appeals arising out of the same district court action below, neither of  
6 which were resolved during a Court-ordered mediation held on July 13, 2017. In its  
7 July 19, 2017 Order, the Court stated that "[t]hese appeals arise from the same district  
8 court case **and involve the same parties.**" (emphasis added). However, on July 26,  
9 2017, one week after consolidation of these appeals, the Court recognized that the  
10 appeal in Docket Number 72965 probably does not involve the same parties. In its  
11 July 26, 2017 Order, the Court noted that Appellant, ELIZABETH C. HOWARD,  
12 may not be "aggrieved by the order imposing sanctions and thus lacks standing to  
13 appeal it." In fact, the person allegedly aggrieved by the order from which the appeal  
14 in Docket Number 72965 was taken is counsel for Appellant, who is not a party to the  
15 appeal in Docket Number 72685.

16 In addition to consolidating these appeals, the July 19, 2017 Order sets forth the  
17 briefing schedule for the consolidated appeals and required Appellant to submit her  
18 opening brief within ninety days, or by October 17, 2017. The July 26, 2017 Order  
19 stayed the briefing indefinitely in the consolidated appeals.

20 We are now beyond the original deadline to file the opening brief despite  
21 Appellant's failure to timely comply with the July 26, 2017 Order and her filing of  
22 multiple motions in which she seeks relief for her multiple failures to act in a timely  
23 manner under the rules of appellate procedure. Every day by which the deadline to  
24 file an opening brief is extended in Docket Number 72685, which does not concern  
25 counsel for Appellant and is ripe for briefing and consideration, is another day in  
26 which Appellant is allowed to enjoy the benefits of her ownership of the parties'  
27 property to the exclusion of Respondent, who is justifiably concerned about waste and  
28 depreciation of his interest in said property.

1 There is simply no good reason not to reinstate the briefing in Docket Number  
2 72685. The briefing in that docket should not be held up because of Appellant's  
3 failures to comply with this Court's orders or the rules of appellate procedure.  
4 Likewise, it should not be held up because of the Court's indecision concerning the  
5 various pending motions, all of which pertain specifically to Appellant's counsel's  
6 inability and/or refusal to follow the rules, which was the very reason he was  
7 sanctioned in the first place. Furthermore, all of the outstanding motions and the  
8 Court's Order to Show Cause pertain only to Docket Number 72965.

9 The interests of justice demand that Respondent be afforded his day in this  
10 Court sooner than later in Docket Number 72685. Those interests far outweigh any  
11 interest in judicial economy that might still exist in this case. Respectfully,  
12 Respondent requests that the Court bifurcate these consolidated appeals and reinstate  
13 the briefing in Docket Number 72685.

14 Respectfully submitted this 23<sup>rd</sup> day of October, 2017.

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24 Attorneys for Respondent,  
25 SHAUGHNAN L. HUGHES  
26  
27  
28

**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 to all parties to this action by:

✓ 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)]

✓ Court's E-flex system

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Via Court's E-flex System:

Charles R. Kozak, Esq.  
R. Craig Luisani, Esq.

Via First Class Mail:

JONATHAN L. ANDREWS  
SETTLEMENT JUDGE  
14300 POLELINE ROAD  
RENO, NV 89511

DATED this 23<sup>rd</sup> day of October, 2017.

/s/ Nancy Fontenot  
NANCY FONTENOT