

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRK ROSS HARRISON,
Appellant,
vs.
VIVIAN MARIE LEE HARRISON,
Respondent.

No. 72880

FILED

SEP 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING MOTION

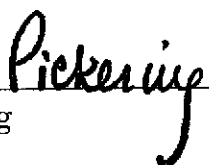
Respondent has filed a motion to dismiss this appeal and for attorney fees and costs pursuant to NRAP 38. Appellant opposes the motion.

Respondent argues that the appeal is precluded by the law-of-the-case doctrine and is moot as it pertains to one of the children at issue. *See Harrison v. Harrison*, 132 Nev., Adv. Op. 56, 376 P.3d 173 (2016). Appellant counters that respondent's challenges go to the merits of the appeal. We agree that respondent's challenges go to the merits of the appeal and are not properly presented through a motion to dismiss. *See Taylor v. Barringer*, 75 Nev. 409, 410, 344 P.2d 676, 676 (1959). Accordingly we deny without prejudice the motion to dismiss and the request for attorney fees and costs.

It is so ORDERED.

, J.
Douglas

, J.
Gibbons

, J.
Pickering

cc: Kirk R. Harrison
Lemons, Grundy & Eisenberg
Silverman, Kattelman, Springgate
Radford J. Smith, Chartered