

EXHIBIT 1

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 ELIZABETH C. HOWARD,
4 an individual,
5 Appellant,

Case No. 72965 and 72685

6 v.

7
8 SHAUGHAN L. HUGHES,
9 Respondent.

10 **OPPOSITION TO REQUEST FOR DISMISSAL**

11
12 On August 31, 2017, Appellant filed a Motion to Extend Time to Respond
13 to Order to Show Cause. Appellant filed the Motion before the deadline to
14 Respond to the Order. On September 5, 2017, Appellant filed the requisite
15 Response. Any delay was *de minimis* and non-prejudicial. Respondent Shaughan
16 Hughes, citing no legal authority whatsoever, requests dismissal of the appeal in
17 its entirety.
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20 This Court has a sound policy preference for deciding cases on the merit.
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22 *Huckabay Props. v. NC Auto Parts*, 322 P.3d 429 (Nev. 2014). Respondent has
23 made no attempt to tie the *de minimis* delay to the merits of the appeal.
24
25 Appellant Elizabeth Howard was attentive to the deadline and timely filed a
26 Motion to Extend Time in lieu of a Response. Further, Appellant filed the
27 Response within one week. No further extension of time is necessary.
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1 The Order to Show Cause is chiefly a matter between the Court and
2
3 Appellant. Respondent's Request to Dismiss attempts to "piggyback" resolution
4 of the merits of the case upon the tangential Order to Show Cause. Respondent
5 has no dog in this fight. The Order and Response do not speak to the underlying
6 merits of this case. Accordingly, Respondent's Request for Dismissal should be
7
8 DENIED.

9
10 **Pursuant to NRS 239B.030: The undersigned does hereby affirm that**
11 **the within document does not contain the social security number of any**
12 **person.**

13
14 Dated this 15th day of September 2017.

15
16 By: /s/ Charles R. Kozak, Esq.
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CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify I am an employee of Kozak Lusiani Law, LLC and that on September 15, 2017, I electronically filed the **APPELLANT’S OPPOSITION TO REQUEST FOR DISMISSAL** with the Clerk of the Court by using the electronic filing system which will send a notice of electronic filing to the following:

Allison & MacKenzie, LTD. / Justin M. Townsend, Esq.

DATED September 15, 2017.

/s/ Dedra L. Sonne
Dedra L. Sonne
Employee of Kozak Lusiani Law, LLC

1 **IN SUPREME COURT OF THE STATE OF NEVADA**

2
3 ELIZABETH C. HOWARD, an
4 individual,

5 Appellant,

6
7 vs.

8 SHAUGHNAN L. HUGHES,

9 Respondent.
10 _____ /

Supreme Court No.: 72685

 Electronically Filed
 Sep 15 2017 03:25 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

11
12 ELIZABETH C. HOWARD, an
13 individual,

14 Appellant,

15
16 vs.

17 SHAUGHNAN L. HUGHES,

18 Respondent.
19 _____ /

Supreme Court No.: 72965

20
21 **APPELLANT’S MOTION TO EXTEND TIME TO FILE OPPOSITION**
22 **TO REQUEST FOR DISMISSAL**

23 COMES NOW, Appellant, and moves this Court for an Order to extend
24 time to respond to its Respondent’s Request for Dismissal. This Motion is based
25 on the papers on file herein along with the following points and authorities.

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27 NRAP 26(b)(1)(A) provides: “For good cause, the court may extend the
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1 time prescribed by these Rules or by its order to perform any act, or may permit
2 an act to be done after that time expires.”
3

4 On July 26, 2017, this Court entered an Order to Show Cause, giving
5 Appellant to and including August 25, 2017 in which to respond. However,
6 counsel’s office was unaware of the Order entered as it was not sent to the
7 primary calendaring email of dedra@kozaklusianilaw.com. On August 31,
8 2017, Respondent filed his Request for Dismissal predicated on counsel’s failure
9 to respond timely to the Court’s Order to Show Cause. Immediately upon
10 learning of the Order to Show Cause on August 31, 2017, Appellant filed her
11 Motion to Extend Time to File Response to Order to Show Cause. On
12 September 1, 2017, Respondent filed his Opposition to Appellant’s Motion to
13 Extend Time to File Response to Order to Show Cause. On September 5, 2017,
14 Appellant filed her Response to the Order to Show Cause (which remains
15 pending). On September 11, 2017 Appellant filed her Reply in Support of
16 Motion to Extend Time in Docket No. 72965. Out of an abundance of caution
17 on September 15, 2017, Appellant submitted her Opposition to Request for
18 Dismissal. The Opposition was rejected by the Clerk as untimely with the
19 suggestion that Appellant file an Motion to Extend Time to file Opposition,
20 consequently Appellant hereby moves for an Extension of Time to file
21 Opposition. The Court has yet to rule on Appellant’s August 31, 2017 Motion
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1 to Extend Time to File Response to Order to Show Cause in Docket No. 72965;
2 therefore, an Opposition to Respondents Request for Dismissal is actually
3 premature.
4

5 According to the Clerk's instruction, the Opposition to the Request for
6 Dismissal is attached hereto as Exhibit 1.
7

8 DATED September 15, 2017.
9

10 /s/ Charles R. Kozak
11 CHARLES R. KOZAK, ESQ. (SBN 11179)
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13 R. CRAIG LUSIANI, ESQ. (SBN 552)
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20 Attorney for Appellant
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DATED September 15, 2017.

/s/ Dedra L. Sonne

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