



1 late document, this behavior continues a pattern of conduct going back to the very  
2 beginning of this case in the district court and such behavior should be thwarted now  
3 before HUGHES is forced to incur yet more fees and costs as a result of Appellant's  
4 counsel's inability or refusal to follow the rules.

5 Furthermore, counsel for Appellant could have sought the relief he seeks now in  
6 a timely fashion by simply filing a motion to extend the time to respond to HUGHES'  
7 request for dismissal prior to expiration of the deadline thereof. NRAP 27(a)(3)  
8 provides that a party has 7 days to file a response to the motion. The request for  
9 dismissal was filed on August 31, 2017. Counsel for Appellant waited until more than  
10 double the allowed time had lapsed before requesting an extension of time on  
11 September 15, 2017. That alone is grounds for denial of the requested extension.

12 There are other problems with Appellant's Motion to Extend Time. For  
13 instance, in the Motion Appellant states that "this Court entered an Order to Show  
14 Cause, giving Appellant to and including August 25, 2017 in which to respond" and  
15 that on "August 31, 2017, Appellant filed her Motion to Extend Time to File  
16 Response to Order to Show Cause." Motion, p. 2, ll. 4-5 and ll. 12-14. However, in  
17 Exhibit 1 to her Motion, Appellant contends that "Appellant filed the Motion [to  
18 Extend Time] **before the deadline to Respond to the Order.**" Motion, Exhibit 1, p.  
19 1, ll. 13-15 (emphasis added). These are contradictory statements and the second is  
20 clearly false. The deadline to respond to the Order to Show Cause was August 25,  
21 2017 and the Motion to Extend Time was not filed until August 31, 2017, six days  
22 late.

23 For these reasons, and as a further sanction to counsel for Appellant, HUGHES  
24 respectfully requests that Appellant's Motion to Extend to Time to File Opposition to  
25 Request for Dismissal be denied and that the appeal docketed at Supreme Court No.  
26 72965 be dismissed pursuant to the terms of this Court's July 26, 2017 Order to Show  
27 Cause.

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1 Respectfully submitted this 18<sup>th</sup> day of September, 2017.

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**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
- Electronic Transmission

Via Court's E-flex System:

Charles R. Kozak, Esq.

Via United States Mail:

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

DATED this 18<sup>th</sup> day of September, 2017.

*/s/ Nancy Fontenot*  
\_\_\_\_\_  
NANCY FONTENOT

4832-9708-4496, v. 1