

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD KILGORE,
Appellant/Cross-
Respondent,

vs.

ELENI KILGORE,
Respondent/Cross-
Appellant.

} Case No.: 73977

} District Court Case No. D-1-248971-0

} Appeal from the Eighth
Court, the Honorable
presiding

Electronically Filed
Aug 09 2018 10:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT/CROSS-APPELLANT'S RESPONSE TO APPELLANT'S
MOTION FOR FEES PURSUANT TO NRAP 30(h)**

Respondent/Cross-Appellant, ELENI KILGORE, by and through her
counsel, Fred Page, Esq. hereby submits her Response to Appellant's Motion for
Fees Pursuant to NRAP 30(h). This Response is based upon the following
Memorandum of Points and Authorities and all pleadings on file herein.

DATED this 8th day of August 2018

PAGE LAW OFFICE



FRED PAGE, ESQ.
Nevada Bar No. 6080
5940 South Rainbow Blvd.
Las Vegas, Nevada 89118
(702) 469-3278
Attorney for Respondent/Cross-Appellant

Memorandum of Points and Authorities

On February 6, 2018, the court reporter for the Eighth Judicial District filed a Notice of Non Payment for Transcripts. In her Notice, the court reporter indicated that a deposit of \$2,800.00 had been requested of Appellant on December 28, 2017, and that as of February 1, 2018, no payment had been made.

On February 27, 2018, Appellant filed his Motion for Enlargement of Time to File Opening Brief. In his Motion, Appellant alleged that more time was needed in which to file the Opening Brief because he needed more time in which to come up with the funds to pay for transcripts.

On March 8, 2018, Appellant was given 30 days in which to pay the remaining funds owed for the transcript. At that time, Appellant did not request any funds from Respondent/Cross-Appellant. Because of that, it appeared as though Appellant agreed that he should bear the cost of the transcripts.

On approximately March 11, 2018, Appellant paid the transcript fees.

On July 7, 2018, Appellant sent an email to Respondent/Cross-Appellant demanding that she pay for one-half of the cost of the transcripts within 30 days.

Less than 30 days after that demand, on July 27, 2018, Appellant filed the instant Motion for Fees Pursuant to NRAP 30(h). In the Motion, Appellant requested that Respondent/Cross-Appellant pay for one-half of the cost of the transcripts within 30 days.

1 The amount of money that is being demanded from Respondent/Cross-
2 Appellant is a significant amount of money within a relatively short period of time.
3 It took Appellant approximately 74 days or almost two and one-half months
4 (December 27, 2017, to March 11, 2018) in which to pay the transcript fees. In
5 return, Appellant is demanding that Respondent/Cross-Appellant pay within 30
6 days.
7

8
9 One of the issues on appeal is to enforce precedent under *Sertic v. Sertic*,¹,
10 and compel Appellant to commence paying Respondent/Cross-Appellant her
11 community property share of the defined benefit plan in his name to her because he
12 has reached his first eligibility for retirement but chooses to continue working.
13 Appellant is employed under the Public Employees Retirement System (hereinafter
14 "PERS"). What this means Respondent/Cross-Appellant will not get paid by
15 PERS until Appellant actually retires. Because of that, Respondent/Cross-
16 Appellant is deprived of funds, a condition which Appellant solely controls, that
17 could otherwise be used to pay for the transcript.
18
19
20
21

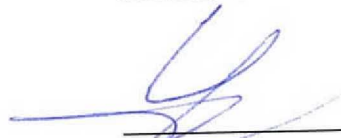
22 Respondent/Cross-Appellant requests that if the Court concludes that
23 Appellant, by his conduct, has waived the request for reimbursement that she been
24
25
26

27 ¹ 111 Nev. 1194, 901 P.2d 148 (1995)
28

1 given an additional 45 days in which to try and acquire the funds. In the
2 alternative, Respondent/Cross-Appellant requests that based upon his conduct that
3 Appellant has waived the right to request reimbursement for the costs of the
4 transcripts.
5

6 DATED this 8th day of August 2018

7 PAGE LAW OFFICE

8
9
10 

11 FRED PAGE, ESQ.

12 Nevada Bar No. 6080

13 5940 South Rainbow Blvd.

14 Las Vegas, Nevada 89118

15 (702) 469-3278

16 Attorney for Respondent/Cross-Appellant
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Page Law Office and that on August 8, 2018, I electronically filed with the Supreme Court a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S RESPONSE TO MOTION FOR FEES PURSUANT TO NRAP 30(h)**

I further certify that on August 8, 2018, I served a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S RESPONSE TO MOTION FOR FEES PURSUANT TO NRAP 30(h)** via e-service and U.S.

Mail, postage prepaid, to the following:

Betsy Allen, Esq.
P.O. Box 46991
Las Vegas, Nevada 89114
Attorney for Appellant



An employee of Page Law Office