

RICHARD KILGORE,
Appellant/Cross-Respondent,
vs.
ELENI KILGORE,
Respondent/Cross-Appellant.

Case No.: 73977

District Court Case No. _____ Electronically Filed
Jan 09 2019 09:51 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT/CROSS-APPELLANT'S MOTION TO EXTEND
TIME IN WHICH TO SUBMIT PROOF OF PAYMENT OF
TRANSCRIPTS
OR**

IN THE ALTERNATIVE TO ACCEPT A LATE FILING

Respondent/Cross-Appellant, ELENI KILGORE, by and through her counsel, Fred Page, Esq. hereby submits her Motion to Extend Time in Which to Submit Docketing Statement or in the Alternative to Accept a Late Filing.

Appellant, , by and through her counsel, Fred Page, Esq. hereby submits her Motion to Extend Time in Which to Submit Docketing Statement or in the Alternative to Accept a Late Filing.

DATED this 8th day of January 2019

PAGE LAW OFFICE

FRED PAGE, ESQ.
Nevada Bar No. 6080
5940 South Rainbow Blvd.
Las Vegas, Nevada 89118
(702) 469-3278

1 **I. Respondent/Cross-Appellant Should Receive An Extension of Time In**
2 **Which to File Her Proof of Payment of Transcripts**

3 Respondent/Cross-Appellant, Eleni Kilgore, respectfully requests that she
4 receive an extension of time in which to file her Proof of Payment of Transcripts.
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6 The Order was received on the afternoon of December 24, 2018.

7 The Order provided 11 days in which to file the Proof of Payment. Because
8 the Order provided 11 days, the intervening holidays of Christmas Day and New
9 Year's Day as well as the two intervening weekends were not omitted from the
10 calculations. In addition, under the newest iteration of the rules, three days for
11 mailing is no longer taken into consideration.
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14 The undersigned covered for another attorney in abuse and neglect court all
15 day on December 26, 2018. The undersigned was in preparation for and attended a
16 half day trial on December 27, 2018. The undersigned had a physician
17 appointment on December 31, 2018, and the remainder of the trial from December
18 27, to complete on that day as well. The undersigned also had court on January 2,
19 2019. Given the Christmas and New Year's holidays as well as the intervening
20 weekends enough was occurring that the item of filing the Proof of Payment on the
21 task list was not completed.
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25 The Proof of Payment was filed one business day after it was due when
26 going over task list items that it had not yet been filed. The payment for the
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1 transcripts was timely made. There is no undue prejudice to anyone. It is simply
2 the filing that was delayed.

3 4 II. 5 GOVERNING LAW AND ARGUMENT

6 NRAP 31 provides for extensions of time. Under NRAP 31, the Court will
7 grant an initial motion for extension of time for filing a brief only upon a clear
8 showing of good cause. It is believed, given the above, that there is good cause.
9 Appellant has filed multiple requests for extensions that have all be granted.
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11 The Nevada Supreme Court has held repeatedly that matters should be
12 decided on their merits. There are a wealth of cases that stand for this proposition,
13 particularly for a domestic relations case such as this one. *See Price v. Dunn*, 106
14 Nev. 100, 787 P.2d 785, (1990) (1990) (Nevada's policy favoring decisions on the
15 merits is heightened in cases involving domestic relations matters); *Dagher v.*
16 *Dagher*, 103, Nev. 26, 28, 731 P.2d 1329, 1330 (1997) (same). *See also, Leslie v.*
17 *Leslie*, 113 Nev. 727, 941 P.2d 451 (1997); *Kahn v. Orme*, 108, Nev. 510, 516,
18 835 P.2d 790, 794 (1992)); *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150,
19 155, 380 P.2d 295 (1963).
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24 As indicated, the payment of the transcript was timely made. There is no
25 undue prejudice to anyone. All of the briefing has been completed. Based upon
26 the foregoing, Respondent/Cross-Appellant respectfully requests that
27 Respondent/Appellant be granted an extension *nunc pro tunc* to January 7, 2019 or
28

1 a date the Court believes is just and equitable, or in the alternative to accept a late
2 filing.

3
4 DATED this 8th day January 2019

5 PAGE LAW OFFICE

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8 FRED PAGE, ESQ.

9 Nevada Bar No. 6080

10 5940 South Rainbow Blvd.

11 Las Vegas, Nevada 89118

12 (702) 469-3278


13 Attorney for Respondent/Cross-Appellant
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Page Law Office and that on January 8, 2019, I electronically filed with the Supreme Court a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S MOTION TO EXTEND TIME OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING.**

I further certify that on January 8, 2019, I served a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S MOTION TO EXTEND TIME OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING** via e-service and U.S. Mail, postage prepaid, to the following:

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



An employee of Page Law Office