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Tracie K. Lindeman
Clerk of Supreme Court

8 **SUPREME COURT**
9 **OF THE STATE OF NEVADA**

10 RICHARD A. HUNTER, an individual,

CASE NO. 63804

11 Appellant,

**Opposition to Respondent's
Misnamed Motion to Dismiss Appeal**

12 v.

13 WILLIAM GANG, an individual,

14 Respondent.
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17 Appellant Richard A Hunter, by and through counsel, Greenberg Traurig,
18 LLP, submits this **Opposition to Respondent's Misnamed Motion to Dismiss**
19 **Appeal.**

20 1. On April 8, 2014, Respondent filed a document which *purported* to be
21 a "response" to Appellant's Motion to Consolidate Appeal Nos. 63804 with 59691;
22 however, this purported Response was filed only in Case No. 63804, and not in
23 Case No. 59691.

24 2. In this filing, Respondent requested that Case No. 63804 be dismissed,
25 on grounds wholly unrelated to the issue of consolidation. Accordingly, the filing
26 was, in fact, a motion by Respondent seeking affirmative relief. Indeed,
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1 Respondent's only *substantive* reference to the Motion to Consolidate was that it
2 should be granted, if the Appeal were not dismissed.

3 3. Respondent's April 8, 2014 request for the dismissal of Case No.
4 63804 was based upon a procedural deficiency that no longer existed at the time of
5 the request, *i.e.*, a failure to pay a filing fee that had, in fact, been paid on March 19,
6 2014.

7 4. The previous failure to pay the filing fee in response to this Court's
8 order that the Amended Notice of Appeal be redocketed as a new Notice of Appeal
9 was an oversight, a fact evidenced by Counsel's mistaken assertion regarding
10 payment (and a request that a refund be ordered) in Appellant's Motion to Transfer
11 Amended Notice of Appeal to Case No. 59691.

12 5. This Court was aware of the failure to pay and the request for refund,
13 as these matters were discussed in this Court's order denying the Motion to Transfer
14 and Ordering Payment of the Filing Fee, issued on March 12, 2014.

15 6. This Court accepted the payment of the filing fee on March 19, 2014.

16 7. In light of this Court's order relating to the issue of the nonpayment of
17 the fee, and the failure of Respondent to file his purported response in both of the
18 cases wherein the Motion to Consolidate was filed, Respondent's filing appears
19 actually to have been either a belated request for rehearing of a this Court's order,
20 or a motion for affirmative relief.

21 8. Respondent's fugitive motion for rehearing /to dismiss the appeal
22 should be denied, as there was no prejudice to any party resulting from the belated
23 payment, save that Appellant has been forced to respond to Respondent's request
24 for dismissal.

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26 Accordingly, Appellant respectfully requests that this Court deny the
27 Respondent's request to dismiss Case No. 63804.

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Respectfully submitted this 17th day of April 2014.

GREENBERG TRAUIG, LLP

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CERTIFICATE OF SERVICE

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This is to certify that on April 17, 2014, a true and correct copy of the foregoing **Opposition to Respondent’s Misnamed Motion to Dismiss Appeal** was served by United States Mail, first class, on counsel of record for all parties to the action below in this matter, as follows:

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