

Electronically Filed
Jun 07 2019 08:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY JACOB MONAHAN,

Appellant,

CASE NO. 78489

v.

AMANDA KAITLYN HOGAN, fka
AMANDA KAITLYN KING,,

Respondent.

REQUEST FOR RESUBMISSION OF RESPONDENT'S
MOTION TO DISMISS APPEAL

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Counsel for Respondent

Respondent, Amanda Hogan ("Mother"), by and through counsel, Roderic A. Carucci, Esq. and the law firm of Carucci and Associates, requests that her "Motion to Dismiss Appeal" be resubmitted to the Court for consideration for the following reasons:

1. Amanda Hogan filed her "Motion to Dismiss Appeal" on April 9, 2019. Mother asserted in her motion that appellant, Anthony Monahan ("Father") was appealing from a non final order of the District Court. Mother specifically pled in her motion that the District Court's Order was not final, and not appealable.

2. The Supreme Court referred this case to the settlement program on April 4, 2019.

3. The Supreme Court entered an "Order Denying Motion" on April 22, 2019 stating: "This denial is without prejudice to respondent's right to renew the motion, if necessary, upon completion of settlement proceedings."

4. A settlement conference was held with Shawn Meador, Esq., the Supreme Court Settlement Judge, on May 29, 2019. Settlement was unsuccessful.

5. Father's Docketing Statement filed on April 29, 2019 states:

A. At paragraph 9: Respondent further contests the sufficiency of the March 1, 2019 Order relating to custody, visitation and support findings and order."

B. At paragraph 25: "The District Court did not address a specific visitation and support schedule or amount."

Respondent clearly acknowledges, in his Docketing Statement, that the District Court Order appealed from was not a final order subject to appeal. NRAP 3A(b)(1).

6. Appellant, having acknowledged to this Court in his Docketing Statement that he is appealing from an order that is not final, has engaged

1 in delaying tactics which have increased respondent's attorney's fees and
2 which have wasted valuable and limited judicial resources. An award of
3 attorney's fees and other appropriate sanctions is appropriate pursuant to
4 NRAP 38.

5 7. Accordingly, Appellant, Mother, respectfully resubmits her motion
6 to dismiss.

7 DATED: May 29, 2019

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12 By:

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14 Roderic A. Carucci, Esq. (#4233)
15 Counsel for Respondent
16 Amanda Hogan
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRAP 25, I certify that I am an employee of Carucci and Associates and on June 7, 2019, I served a true and correct copy of:

Request for Resubmission of Respondent's Motion to Dismiss Appeal

by:

☐ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

☐ Personal Delivery

☐ Facsimile to the following number: _____

☐ Reno Carson Messenger Service


☐ Certified Mail, Return Receipt Requested

☒ E-Flex filing system

☒ Electronic mail addressed to: aaronbushurlaw@yahoo.com

addressed to:

Aaron Bushur, Esq.
316 California Avenue, #256
Reno, Nevada 89509


Bryttanie McNeff
Carucci and Associates