

## RENELYN BAUSISTA

Supreme Court No. 79534

Appellant

VS.

JAMES PICONE

Respondent

MOTION TO DISMISS

Electronically Filed  
Sep 07 2019 04:08 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

The Notice of Appeal was filed in district court on August 26, 2019 and the appeal was docketed in this court on September 5, 2019.

As of September 7, 2019 the Appeal Cost Bond have been filed. [Exhibit A, District Court docket]

## POINTS AND AUTHORITIES

## LEGAL AUTHORITY

NRAP 7(a) requires posting a bond “with the notice of appeal”. The default amount of the bond is \$500. The relevant portion of that rule states as follows.

## RULE 7. BOND FOR COSTS ON APPEAL IN CIVIL CASES

(a) When Bond Required. In a civil case, unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking that includes security for the payment of costs on appeal, the appellant shall file a bond for costs on appeal or equivalent security in the district court with the notice of appeal. But a bond shall not be required of an appellant who is not subject to costs.

(b) Amount of Bond. The bond or equivalent security shall be in the sum or value of \$500 unless the district court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security

1 shall be conditioned to secure the payment of costs if the appeal is finally  
2 dismissed or the judgment affirmed, or of such costs as the Supreme Court or  
3 Court of Appeals may direct if the judgment is modified. If a bond or  
4 equivalent security in the sum or value of \$500 is given, no approval thereof is  
5 necessary.

6 ARGUMENT

7  
8 Appellant did not comply with the required filing and posting of bond  
9 required by NRAP 7(a). The bond should have been filed with the Notice of Appeal.

10 CONCLUSION

11  
12 Respondent respectfully requests that this appeal be dismissed based on  
13 Appellant's failure to post the \$500 cost bond.  
14

15  
16 By: /s/ Benjamin B. Childs

17 BENJAMIN B. CHILDS, ESQ.  
18 Nevada Bar #: 3946  
Attorney for Respondent

19 Exhibit

20 A District Court Docket Sheet  
21  
22  
23  
24  
25  
26  
27  
28

## Case Information

D-14-495928-P | In the Matter of the Petition by: James Picone, Petitioner.

Case Number	Court	Judicial Officer
D-14-495928-P	Department N	Harter, Mathew
File Date	Case Type	Case Status
04/23/2014	Paternity Complaint	Closed

## Financial

Picone, James J

Total Financial Assessment	\$400.10
Total Payments and Credits	\$400.10

4/25/2014	Transaction Assessment			\$270.00
4/25/2014	Payment (Window)	Receipt # 2014-11937-FAM	Giuliani, Roger A	(\$270.00)
8/31/2015	Transaction Assessment			\$25.00
8/31/2015	Payment (Window)	Receipt # 2015-26949-FAM	Picone, James J	(\$25.00)
12/9/2015	Transaction Assessment			\$25.00
12/9/2015	Payment (Window)	Receipt # 2015-37550-FAM	Counter Transaction	(\$25.00)
6/16/2017	Transaction Assessment			\$0.60
6/16/2017	Payment (Window)	Receipt # 2017-19519-FAM	counter transaction	(\$0.60)
8/3/2017	Transaction Assessment			\$28.50
8/3/2017	Efile Payment	Receipt # 2017-61963-CCCLK	Picone, James J	(\$28.50)
8/3/2017	Transaction Assessment			\$3.50

8/3/2017	Efile Payment	Receipt # 2017-62095- CCCLK	Picone, James J	(\$3.50)
9/12/2017	Transaction Assessment			\$3.50
9/12/2017	Efile Payment	Receipt # 2017-71098- CCCLK	Picone, James J	(\$3.50)
10/5/2018	Transaction Assessment			\$3.50
10/5/2018	Efile Payment	Receipt # 2018-66651- CCCLK	Picone, James J	(\$3.50)
10/5/2018	Transaction Assessment			\$3.50
10/5/2018	Efile Payment	Receipt # 2018-66678- CCCLK	Picone, James J	(\$3.50)
10/8/2018	Transaction Assessment			\$3.50
10/8/2018	Efile Payment	Receipt # 2018-66977- CCCLK	Picone, James J	(\$3.50)
10/24/2018	Transaction Assessment			\$3.50
10/24/2018	Efile Payment	Receipt # 2018-70778- CCCLK	Picone, James J	(\$3.50)
5/13/2019	Transaction Assessment			\$5.00
5/13/2019	Payment (Window)	Receipt # 2019-13745- FAM	Picone, James J	(\$5.00)
6/20/2019	Transaction Assessment			\$25.00
6/27/2019	Fee Waiver			(\$25.00)
Bautista, Renelyn G				
	Total Financial Assessment			\$694.00
	Total Payments and Credits			\$694.00
5/13/2014	Transaction Assessment			\$223.00
5/13/2014	Efile Payment	Receipt # 2014-55481- CCCLK	Bautista, Renelyn G	(\$223.00)
5/21/2014	Efile Payment	Receipt # 2014-59080- CCCLK	Bautista, Renelyn G	(\$223.00)

5/23/2014	Transaction Assessment			\$223.00
7/9/2015	Transaction Assessment			\$25.00
7/9/2015	Efile Payment	Receipt # 2015-71903-CCCLK	Bautista, Renelyn G	(\$25.00)
8/17/2015	Transaction Assessment			\$25.00
8/17/2015	Efile Payment	Receipt # 2015-86558-CCCLK	Bautista, Renelyn G	(\$25.00)
9/9/2015	Transaction Assessment			\$25.00
9/9/2015	Efile Payment	Receipt # 2015-94914-CCCLK	Bautista, Renelyn G	(\$25.00)
11/17/2015	Transaction Assessment			\$25.00
11/17/2015	Efile Payment	Receipt # 2015-119855-CCCLK	Bautista, Renelyn G	(\$25.00)
12/12/2015	Transaction Assessment			\$25.00
12/12/2015	Efile Payment	Receipt # 2015-128824-CCCLK	Bautista, Renelyn G	(\$25.00)
3/29/2016	Transaction Assessment			\$25.00
3/29/2016	Efile Payment	Receipt # 2016-30866-CCCLK	Bautista, Renelyn G	(\$25.00)
2/21/2017	Transaction Assessment			\$25.00
2/21/2017	Efile Payment	Receipt # 2017-16707-CCCLK	Bautista, Renelyn G	(\$25.00)
3/24/2017	Transaction Assessment			\$24.00
3/24/2017	Efile Payment	Receipt # 2017-28235-CCCLK	Bautista, Renelyn G	(\$24.00)
8/23/2017	Transaction Assessment			\$25.00
8/23/2017	Efile Payment	Receipt # 2017-66549-CCCLK	Bautista, Renelyn G	(\$25.00)

8/26/2019	Transaction Assessment			\$24.00
8/26/2019	Efile Payment	Receipt # 2019-52359-CCCLK	Bautista, Renelyn G	(\$24.00)
Jones, John D.				
	Total Financial Assessment			\$140.00
	Total Payments and Credits			\$140.00
5/26/2017	Transaction Assessment			\$140.00
5/26/2017	Payment (Window)	Receipt # 2017-17302-FAM	Counter Transaction	(\$140.00)

## Documents

Complaint to Establish Paternity, Child Custody, Child Support, Other Related Issues, and For Attor

Notice of Motion and Motion to Establish Paternity, Joint Legal and Joint Physical Custody of Minor

Ex Parte Application for Order Shortening Time

Order Shortening Time

Affidavit of Service

Financial Disclosure Form

Order

Motion

Defendant's Opposition To Plaintiff's Notice Of Motion And Motion To Establish Paternity, Joint Leg

NRCP 16.2 Case Management Conferences

Referral Order for Outsourced Evaluation Services

Status Check

Answer To Plaintiff's Complaint To Establish Paternity, Child Custody, Child Support, Other Related

Answer to Counterclaim

Plaintiff's Opposition to Defendant's Countermotion to Set Aside The Court's Pick Up Order of May 6

General Finacial Disclosure Form

Emergency Motion To Modify The Temporary Custody Order From The May 13, 2014 Hearing To Award Defen

Minute Order

Notice of Entry of Minute Order

Defendant's Motion For Reconsideration Of The Court's Order Dated June 6, 2014

Ex Parte Application For An Order Shortening time Defendant's Motion For Reconsideration Of The Cou

Minute Order

Motion To Withdraw As Attorney Of Record

Notice of Entry of Minute Order

Ex Parte Request for Donna's House Custodial Exchange

Order From May 13, 2014 Hearing

Substitution of Attorneys

Minute Order

Notice of Entry of Minute Order

All Pending Motions

Motion to Withdraw as Counsel of Record

Certificate of Mailing

Notice of Rescheduling of Hearing

Order Granting Withdrawal of Counsel

Notice of Entry of Order

Notice of Withdrawal

All Pending Motions

Supplemental Exhibits

Order

Notice Of Withdrawal As Counsel Of Record

Declaration of James Piconne

Amended Complaint to Establish Paternity/Custody and Uccjea Declaration

All Pending Motions

Status Check

Minute Order

Notice of Entry of Minute Order

Stipulation and Order Resolving Parent-Child Issues

Notice of Entry of Stipulation and Order Resolving Parent-Child Issues

Order from the 2/11/15 Hearing

Notice of Entry of Order from February 11, 2015 Hearing

All Pending Motions [Video]

Status Check [Video]

Defendant's Motion to Change Custody and for Attorneys' Fees and Costs

Declaration of Defendant, Renelyn Bautista

Certificate of Service

Certificate of Mailing for Decision and Order filed July 17, 2015

Decision and Order Regarding Defendant's Motion filed on July 09, 2015

Notice of Entry of Decision & Order

Defendant's Motion for Reconsideration of Decision and Order filed July 17, 2015

Certificate of Service

Notice of Entry of Decision & Order

Decision and Order Regarding Defendant's Motion filed August 17, 2015

Motion

Certificate of Service

Plaintiff's Opposition to Defendant's Motion for Reconsideration of Decision and Order Filed July 1

Order Shortening Time for Motion for Emergency Hearing

Declaration of Defendant, Renelyn Bautista

Certificate of Service

Notice of Change of Address

Defendant's Opposition to Motion to Enforce Visitation and Countermotion to Suspend Visitation

Minute Order

Notice of Entry of September 10, 2015 Minute Order

Affidavit of Service

All Pending Motions

Notice of Withdrawal as Attorney

Notice of Completion EDCR 5.07- Family

Defendant, Renelyn Bautista's, Motion to Resolve Parent-Child Issues, and for Attorneys' Fees and C

Notice of Hearing

Plaintiff's Opposition to Defendant's Motion to Resolve Parent/Child Issues and for Attorney's Fees

Order for Appointment of Special Master/Parenting Coordinator

Notice of Entry of December 09, 2015 Decision and Order

Decision and Order [Referring Parenting Coordinator]

Defendant's Motion for Reconsideration of Decision and Order Filed December 9th, 2015

Notice of Entry of December 14, 2015 Decision & Order

Financial Disclosure Form

Decision and Order Denying December 11, 2015 Motion for Reconsideration

Defendant's Proof of Class Enrollment

Petitioner's Notice of UNLV Seminar Completion EDCR 5.07 - Family

Defendant Motion to Resolve Parent-Child Issues

General Financial Disclosure Form

Minute Order

Amended Order for Appointment of Special Master / Parenting Coordinator

Notice of Entry of Minute Order Granting March 29, 2016 Motion

All Pending Motions video

Defendant's Motion to Change Custody and for Attorneys' Fees and Costs

Order Appointing Emily McFarling, Esq. as Special Master/Parenting Coordinator

Decision and Order Regarding February 17, 2017 Motion

Notice of Entry of Order for Appointment of Special Master/Parenting Coordinator

Notice of Entry of Decision and Order Regarding February 17, 2017 Motion

Notice of Appeal

Case Appeal Statement

Estimate of Transcript

Notice of Non-Payment of Transcript



Certificate of Mailing  
Final Billing of Transcript  
Receipt of Copy  
Certificate of Mailing  
Transcript of Proceedings  
Motion for Order - MODR  
Family Court Motion Opposition Fee Information Sheet - MOFI  
Ex Parte Application for Order - EPAO  
Opposition and Countermotion - OPPC  
Schedule of Arrearages - SCHD  
Schedule of Arrearages - SCHD  
Reply - RPLY  
Decision - DECN  
Notice of Entry of Order - NEOJ  
Notice of Hearing - NOH (FAM)  
Notice of Rescheduling of Hearing - NORH (FAM)  
NV Supreme Court Clerks Certificate/Judgment -Remanded  
Stipulation and Order - SAO (FAM)  
Notice of Entry of Stipulation and Order - NTSO (FAM)  
Stipulation and Order - SAO (FAM)  
Notice of Entry of Stipulation and Order - NTSO (FAM)  
Minute Order  
Status Check  
Order - ORDR (FAM)  
Status Check video  
Motion - MOT (FAM)  
Family Court Motion Opposition Fee Information Sheet - MOFI (FAM)  
Notice of Hearing - NOH (FAM)  
Financial Disclosure Form - FDF (FAM)  
Notice of Non Opposition - NNOP (FAM)  
Opposition and Countermotion - OPPC (FAM)  
Financial Disclosure Form - FDF (FAM)  
Schedule of Arrearages - SCHD (FAM)  
Statement of Legal Aid Representation and Fee Waiver - SOLA (FAM)  
Reply to Opposition - ROPP (FAM)  
Stipulation and Order - SAO (FAM)  
Minutes - All Pending Motions  
Order Setting Civil Non-Jury Trial  
Affidavit of Attempted Service - AFAS (FAM)  
Stipulation and Order - SAO (FAM)  
Stipulation and Order  
Financial Disclosure Form - FDF (FAM)  
Pre-trial Memorandum - PMEM (FAM)  
Brief - BREF (FAM)  
Notice of Entry of Stipulation and Order - NTSO (FAM)  
Pre-trial Memorandum - PMEM (FAM)

Financial Disclosure Form - FDF (FAM)  
Evidentiary Hearing Video  
Evidentiary Hearing Video  
Declaration - DECL (FAM)  
Minutes - Evidentiary Hearing  
Stipulation and Order - SAO (FAM)  
Notice of Entry of Stipulation and Order - NTSO (FAM)  
Miscellaneous Filing - MISC (FAM)  
Declaration - DECL (FAM)  
Motion for Order to Show Cause - MOSC (FAM)  
Notice of Hearing - NOH (FAM)  
Ex Parte Application for Order - EPAO (FAM)  
Minute Order  
Decision - DECN (FAM)  
Notice of Entry of Order - NEOJ (FAM)  
Memorandum of Costs and Disbursements - MEMC (FAM)  
Motion for Attorney Fees and Costs - MAFC (FAM)  
Notice of Hearing - NOH (FAM)  
Memorandum of Costs and Disbursements - MEMC (FAM)  
Notice of Non Opposition - NNOP (FAM)  
Objection - OBJ (FAM)  
Affidavit - AFFT (FAM)  
Reply to Opposition - ROPP (FAM)  
Notice of Entry of Order - NEOJ (FAM)  
Minutes - Minute Order  
Decision - DECN (FAM)  
Notice of Entry of Order - NEOJ (FAM)  
Decision - DECN (FAM)  
Notice of Entry of Order - NEOJ (FAM)  
Notice of Appeal - NOAS (FAM)  
Case Appeal Statement - ASTA (FAM)