

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENELYN BAUTISTA,

Appellant,

vs.

JAMES PICONE,

Respondent.

Electronically Filed  
Sep 16 2019 03:24 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

S.C. DOCKET NO.: 79534  
Dist. Ct. No. D-14-495928-P

**APPELLANT'S OPPOSITION TO MOTION TO DISMISS APPEAL**

Appellant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones, Esq., and the law firm of BLACK & LOBELLO, hereby submits Appellant's Opposition to Respondent's Motion to Dismiss.

This Opposition is made and based upon the accompanying Points and Authorities, the accompanying Exhibits, and the papers and pleadings on file herein.

RESPECTFULLY SUBMITTED this 16 day of September, 2019.

BLACK & LOBELLO

John D. Jones, Esq.

Nevada State Bar No.: 6699

10777 West Twain Avenue, Suite 300

Las Vegas, Nevada 89135

702-869-8801

Attorneys for Appellant,

RENELYN BAUTISTA

## **I. POINTS AND AUTHORITIES**

This appeal was initiated on August 26, 2019 when Appellant appealed the district court's Decision and Order filed August 20, 2019 and Amended Decision and Order filed August 21, 2019. The check for the cost bond complained of by Respondent was requested at the time of the filing of the appeal. It took a few days to process in the undersigned counsel's accounting department.

Appellant paid the \$500.00 bond to the District Court on September 10, 2019. (copy of receipt attached as Exhibit "1") Appellant paid the \$250.00 filing fee to the Supreme Court on September 11, 2019. (copy of Receipt for Documents attached as Exhibit "2") The filing fee was paid within 10 days of the Notice of Potential Dismissal for Failure to Pay Supreme Court Filing Fee, dated September 5, 2019.

## **II. ARGUMENT**

The motion filed by the Respondent was premature and frivolous. Based upon the satisfaction of all acts complained of within the time set by this Court, this Court should deny Respondent's motion. Moreover, this Court has historically ensured that all appeals are heard on the merits.

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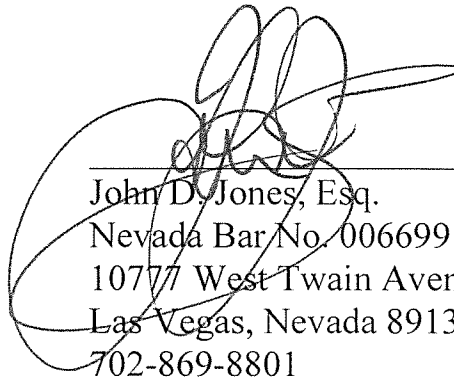
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### III. CONCLUSION

Based upon the foregoing, this Court should deny Respondent's Motion to Dismiss.

RESPECTFULLY SUBMITTED this 16 day of September, 2019.

BLACK & LOBELLO

A handwritten signature in black ink, appearing to read 'JD Jones', is written over a horizontal line. The signature is stylized with large, overlapping loops.

John D. Jones, Esq.  
Nevada Bar No. 006699  
10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
702-869-8801

Attorneys for Appellant,  
RENELYN BAUTISTA

### CERTIFICATE OF COMPLIANCE

I hereby certify that this Opposition complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6), because this Opposition has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14 point Times New Roman font. I further certify that this Opposition complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the Opposition exempted by NRAP 32(a)(7)(C), it does not exceed 10 pages.

I further certify that I have read this Opposition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Opposition complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP Rule 28(e)(1), which requires every assertion in the Opposition regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

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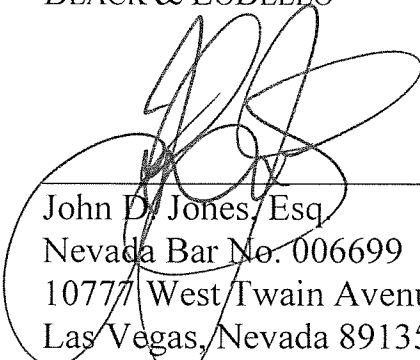
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I understand that I may be subject to sanctions in the event that the accompanying Opposition is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

RESPECTFULLY SUBMITTED this 16 day of September, 2019.

BLACK & LOBELLO



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John D. Jones, Esq.  
Nevada Bar No. 006699  
10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
702-869-8801  
Attorneys for Appellant,  
RENELYN BAUTISTA

## **PROOF OF SERVICE**

I, Cheryl Berdahl, declare: I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed at Black & LoBello, 10777 West Twain Avenue, Las Vegas, Nevada 89135. I am readily familiar with Black & LoBello's practice for collection and processing of documents for delivery by way of the service indicated below.

On September 16, 2019, I served the following document:

### **Appellant's Opposition to Respondent's Motion to Dismiss**

On the interested party(ies) in this action as follows:

Benjamin B. Childs, Esq.  
BENJAMIN B. CHILDS, LTD.  
318 S. Maryland Parkway  
Las Vegas, NV 89101  
Email: [ben@benchilds.com](mailto:ben@benchilds.com)  
*Attorney For Respondent*  
*JAMES PICONE*

**By Mail.** By placing said document in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same date that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on September 16, 2019, at Las Vegas, Nevada.

  
Cheryl Berdahl

## **Exhibit 1**

## **Exhibit 1**

**OFFICIAL RECEIPT**  
District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor  
Black, LoBello & Associates

Receipt No.  
**2019-55404-CCCLK**

Transaction Date  
09/10/2019

Description	Amount Paid
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On Behalf Of Bautista, Renelyn G  
D-14-495928-P

In the Matter of the Petition by: James Picone, Petitioner.

Registry/Trust Account-- FM Registry

Trust Deposit

SUBTOTAL

500.00

500.00

**PAYMENT TOTAL** **500.00**

Check (Ref #101781) Tendered 500.00

Total Tendered 500.00

Change 0.00

Notice of Appeal filed 8/26/19

09/10/2019  
03:33 PM

Cashier  
Station AIKO

Audit  
36553245

**OFFICIAL RECEIPT**



## **Exhibit 2**

## **Exhibit 2**

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

RENELYN BAUTISTA,  
Appellant,  
vs.  
JAMES PICONE,  
Respondent.

**Supreme Court No. 79534**  
District Court Case No. D495928

**RECEIPT FOR DOCUMENTS**

TO: Black & LoBello \ John D. Jones  
Benjamin B. Childs  
Steven D. Grierson, Eighth District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

09/11/2019      Filing Fee Paid. \$250.00 from Black, Lobello & Associates. Check no. 101782.

DATE: September 11, 2019

Elizabeth A. Brown, Clerk of Court  
mm