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Electronically Filed  
Jun 16 2020 01:44 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S OPPOSITION TO  
RESPONDENTS' MOTION TO  
DISMISS APPEAL  
PURSUANT TO NRAP 31(d)(1)**

Respondents,

DATED this 16 day of June, 2020.

Docket 79751 Document 2020-22451

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1. I have personal knowledge of all matters stated herein and would competently be able to testify thereto if called to do so.

3. I spoke with several Supreme Court Clerks on Friday June 12, 2020 regarding the procedures for mailing in the Appendix and the Appellate Brief (See Exhibit 1).

Executed on June 16 2020.

### Opposition - 2

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1 (B) Unless the court by order in a particular case directs otherwise, a document is  
timely filed if, on or before the last day for filing, it is:

2 (i) delivered to the clerk in person in Carson City;

3 (ii) mailed to the clerk by first-class mail, or other class of mail that is at least as  
expeditious, postage prepaid;

4 Counsel for the Appellant is grateful the extension provided by the Supreme Court to June  
5 12, 2020 and Counsel timely filed the Opening Brief and Appendix by placing it in the mail on  
6 June 12, 2020, the deadline prescribed by NRAP25(B)(ii). Counsel for the Appellant did not file  
7 a Request for Extension because Counsel does not need additional time or an extension. The  
8 Appellant has mailed the Appendix and Appellate Brief first class mail to Opposing Counsel and  
9 the Clerk of the Court. In compliance with NRAP 25(2)(B)(ii). Therefore, the Motion filed by the  
10 Respondent, is moot and should be denied.  
11

### 12 III

### 13 CONCLUSION

14 Counsel for the Appellant did not “fail to file their Opening Brief” as alleged by  
15 Respondent’s Counsel. The Opening Brief and Appendix were filed in accordance with Supreme  
16 Court Rules. Appellant also did not “fail” to request another extension because they do not need  
17 an extension. Electronic Filing is not the only avenue for *timely* filing with the Supreme Court.  
18 This issue and Motion could have been avoided with a phone call or email. The Respondents  
19

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1 Motion to Dismiss Appeal Pursuant to NRAP 31(d)(1) should be denied because the Appellants  
2 have timely filed their Opening Brief and Appendix.

3  
4 DATED this 16 day of June, 2020.

5 **HURTIK LAW & ASSOCIATES**

6 */S/ JONATHON R. PATTERSON*

7  
8 **CARRIE E. HURTIK, ESQ.**

Nevada Bar No. 7028

9 **JONATHON R. PATTERSON, ESQ.**

Nevada Bar No. 9644

10 **HURTIK LAW & ASSOCIATES**

11 6767 West Tropicana Ave. #200

12 Las Vegas, NV 89103

(702) 966-5200 Telephone

13 (702) 966-5206 Facsimile

14 DESERT VALLEY CONTRACTING, INC.

**CERTIFICATE OF SERVICE**

STATE OF NEVADA       )  
  ) ss.  
COUNTY OF CLARK       )

I, JONATHON R. PATTERSON, declare:

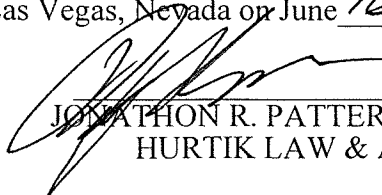
I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6767 West Tropicana Ave., Suite #200, Las Vegas, Nevada, 89103

Pursuant to N.R.C.P 5(b) and EDCR 7.26, I hereby certify that on 16 day of June 2020, I served a true and correct copy of the foregoing document described as **APPELLANT'S OPPOSITION TO RESPONDENTS' MOTION TO DISMISS APPEAL PURSUANT TO NRAP 31(d)(1)** on the party listed below:

BRIAN W. BOSCHEE, ESQ.  
HOLLEY, DRIGGS, WALCH  
FINE, WRAY, PUZEY & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Attorneys for Respondents

☒ **VIA ELECTRONIC SERVICE:** by transmitting via electronic service maintained by court's electronic filing system, on whom it is served at the electronic service address as last given by that person on any e-document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission and the electronic mail address to which transmitted. A confirmation of the electronic service containing the electronic mail addresses to which the e-document(s) was/were transmitted will be maintained with the e-document(s) served.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Las Vegas, Nevada on June 16, 2020.

  
\_\_\_\_\_  
JONATHON R. PATTERSON an employee of  
HURTIK LAW & ASSOCIATES

# **EXHIBIT 1**



UNITED STATES  
POSTAL SERVICE®

PRIORITY MAIL  
LARGE FLAT RATE  
POSTAGE REQUIRED

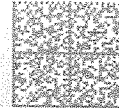
WHEN USED INTERNATIONALLY,  
AFFIX CUSTOMS DECLARATION

**PRIORITY®**  
★ MAIL ★

AMERICA

HURTIK LAW & ASSOCIATES  
6767 W. TROPICANA AVE., SUITE #200  
LAS VEGAS, NV 89113

PRIORITY MAIL  
LARGE FLAT RATE BOX



US POSTAGE

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0001186461 JUN 12 2020  
MAILED FROM ZIP CODE 89103

CLERK of the COURT  
Supreme Court of Nevada  
201 South Carson Street, Suite 201,  
Carson City, Nevada 89701-4702

Service member full name:

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Rank or rating (optional):

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Service organization or unit:

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OD: 12 1/4 x 12 1/4 x 6  
ODCUFT: 0.521

**LARGE FLAT RATE BOX**  
FOR DOMESTIC AND INTERNATIONAL USE



