

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 DENNIS VINCENT STANTON,

3 Appellant,

4 vs.

5 TWYLA MARIE STANTON,

6 Respondent.

Supreme Court Case No.: 80910

District Court Case No. CV 0029304
Electronically Filed
Oct 27 2020 09:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **MOTION FOR WAIVER OF COSTS OF TRANSCRIPTS**

8 Appellant Dennis Vincent Stanton, by and through his undersigned counsel,
9 hereby files this Motion for Waiver of Costs of Transcripts pursuant to NRAP
10 9(a)(6) and Mr. Stanton's Statement of Legal Aid Representation (Dkt. No. 20-
11 36754).

12 Dated this 27th of October 2020.

13 HOLLEY DRIGGS

14 /s/ John J. Savage
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21 Attorney for Appellant
22 Dennis Vincent Stanton

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 "In a civil case, if appellant is represented by counsel but has been permitted
25 to proceed in forma pauperis or has filed a statement of legal aid eligibility under
NRAP 24, counsel may request a waiver of the costs associated with the preparation
and delivery of the transcripts by filing a motion with the clerk of the Supreme Court
specifying each proceeding for which a transcript is requested and a statement

1 explaining why each transcript is necessary for the court's review on appeal." NRAP
2 9(a)(6). Mr. Stanton's Statement of Legal Aid Representation was filed on October
3 7, 2020. *See* Dkt. No. 20-36754. Counsel is now representing Mr. Stanton *pro bono*.

4 Based on the foregoing, it is respectfully requested that the costs associated
5 with the preparation and delivery of the transcripts be waived. The following
6 transcripts are necessary for the Court's review on appeal because they include
7 relevant arguments from the parties and the district court's rationale for the orders
8 on appeal:

- 9 a. January 7, 2019 transcript of hearing on the Joint Petitioner/Plaintiff's
10 Motion Pursuant to Rule 60(b) to Set Aside Decree of Divorce as
11 Fraudulently Obtained;
- 12 b. June 10, 2019 transcript of hearing on Mr. Stanton's Motion for
13 Reconsideration; and
- 14 c. February 10, 2020 transcript of hearing on Mr. Stanton's Motion for
15 Reconsideration.

16 The Honorable Robert W. Lane of the Fifth Judicial District Court was the
17 judge for each proceeding. The clerk for Department 2 of the Fifth Judicial District
18 Court has advised there are no transcripts available because there were no court
19 reporters who recorded these hearings; they were only recorded by video. Before
20 counsel was appointed, Mr. Stanton requested DVDs of the hearings from the Fifth
21 Judicial District Court and paid to have the video recordings transcribed by Verbatim
22 Reporting & Transcription, LLC.

23 The transcripts prepared by Verbatim Reporting & Transcription, LLC were
24 filed with this Court on May 19, 2020. No docket number was assigned to the
25 separately filed transcripts. A copy of the January 7, 2019 transcript was also filed
with Volume 4 of the Record on Appeal. *See* Dkt. No. 20-22604 at p. 622-662.
However, these transcripts are not "certified" copies as required by NRAP 9(a)(4).

1 Out of an abundance of caution, counsel intends to formally request certified
2 copies of the transcripts from Cecilia Thomas, the court reporter for Department 2
3 of the Fifth Judicial District Court, pursuant to NRAP 9(a)(3)(A) and,
4 contemporaneously “prepare a statement of the evidence or proceedings” pursuant
5 to NRAP 9(d) as alternative relief, which will include copies of the transcripts that
6 Verbatim Reporting & Transcription, LLC transcribed for the district court’s
approval.

7 Dated this 27th of October 2020.

8 HOLLEY DRIGGS

9 /s/ John J. Savage

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16 *Attorney for Appellant*

17 *Dennis Vincent Stanton*

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