

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

JAY KVAM,  
Appellant,

vs.

BRIAN MINEAU; and LEGION  
INVESTMENTS, LLC,  
Respondents.

Electronically Filed  
Sep 18 2020 02:02 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court Case No. 81422**  
District Court Case No. CV1800764

**OPPOSITION TO RESPONDENT'S  
RENEWED MOTION TO DISMISS APPEAL**

COMES NOW Appellant, Jay Kvam, by and through his counsel of record, Matuska Law Offices, Ltd., Michael L. Matuska, Esq., and hereby files this Opposition to *Respondents' Renewed Motion to Dismiss Appeal*.

Respondents Brian Mineau and Legion Investments, LLC have twice moved to dismiss Appellant Jay Kvam's appeal on the basis that the order appealed from is not a final order pursuant to NRAP 3A(b)(1). *Respondent's Motion to Dismiss Appeal* was filed on July 15, 2020. That motion was denied without prejudice on July 20, 2020 subject to Respondents' right to renew the motion, if necessary, upon completion of the settlement proceedings. At the time Respondents filed their first motion, they did not have the benefit of the *Docketing Statement* which was filed on July 30, 2020, or *Appellant's Motion to Determine Appealable Order*, which was

filed on August 27, 2020, both of which identify NRAP 3A(b)(3) as the basis for the appeal. As such, it was unnecessary for Respondents to file a second motion to dismiss under NRAP 3A(b)(1) when that is not the basis for the appeal. Respondents failed to provide points and authorities regarding NRAP 3A(b)(3) and *Respondent's Renewed Motion to Dismiss Appeal* must therefore be denied.

### **AFFIRMATION**

The undersigned does hereby affirm that the preceding **Appellant's Opposition to Respondents' Renewed Motion to Dismiss Appeal**, filed in the Supreme Court of the State of Nevada, does not contain the social security of any person.

Respectfully submitted,

This 18<sup>th</sup> day of September, 2020.

MATUSKA LAW OFFICES, LTD.



By:

\_\_\_\_\_  
MICHAEL L. MATUSKA, SBN 5711  
Attorney for Appellant, JAY KVAM

## **CERTIFICATE OF SERVICE**

I, Suzette Turley, certify that on 18<sup>th</sup> day of September, 2020, I electronically filed the foregoing **OPPOSITION TO RESPONDENTS' RENEWED MOTION TO DISMISS APPEAL**, with the Clerk of the Nevada Supreme Court via the Court's e-Flex system. Service will be made by e-Flex on all registered participants.

Austin K. Sweet, Esq.  
GUNDERSON LAW FIRM  
3895 Warren Way  
Reno, NV 89509

/s/ SUZETTE TURLEY  
An Employee of MATUSKA LAW OFFICES, LTD.