

**MOT**

FRED PAGE, ESQ.  
NEVADA BAR NO. 6080  
PAGE LAW FIRM  
6930 SOUTH CIMARRON ROAD, SUITE 140  
LAS VEGAS, NEVADA 89113  
(702) 823-2888 office  
(702) 628-9884 fax  
Email: [fpage@pagelawoffices.com](mailto:fpage@pagelawoffices.com)  
*Attorney for Appellants*

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Elizabeth A. Brown  
Clerk of Supreme Court

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

ROSIE MARTINEZ and HENRY  
OLIVA,

Appellants,

vs.

IGNACIO AVILA, JR.,

Respondent.

) Supreme Court Case No.: 83023

) District Court Case No. D-15-515892-C

**APPELLANTS' MOTION TO EXTEND TIME IN WHICH TO SUBMIT  
DOCKETING STATEMENT**

**OR**

**IN THE ALTERNATIVE TO ACCEPT A LATE FILING**

Appellants, ROSIE MARTINEZ and HENRY OLIVA, by and through their  
counsel, Fred Page, Esq. hereby submits their Motion to Extend Time in Which to  
Submit Docketing Statement or in the Alternative to Accept a Late Filing.

DATED this 19<sup>th</sup> day of July 2021

PAGE LAW FIRM

  
FRED PAGE, ESQ.

Nevada Bar No. 6080  
6930 South Cimarron Road, Suite 140  
Las Vegas, Nevada 89113  
(702) 823-2888  
Attorney for Appellants

1 **I. Appellant Should Receive An Extension of Time In Which to File Her**  
2 **Docketing Statement**

3 Appellants, Rosie Martinez and Henry Oliva, respectfully request that they  
4 receive an extension of time in which to file their Docketing Statement. The case  
5 was originally in the settlement program. The date due for the Docketing Statement  
6 was mis-calendared. The Case Appeal Statement and Request for Transcripts were  
7 properly calendared.  
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10 The date was mis-calendared. Counsel for Appellant is a sole practitioner  
11 with an extremely busy litigation practice and the date was mis-calendared. The  
12 matter was referred out to the settlement program. It was misunderstood that the  
13 time in which to file the docketing statement was stayed. Appellants' Docketing  
14 Statement is completed. There is no undue prejudice to anyone. The date for the  
15 Fast Track Brief is August 11, 2021.  
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18 **II.**  
19 **GOVERNING LAW AND ARGUMENT**

20 NRAP 31 provides for extensions of time. Under NRAP 31, the Court will  
21 grant an initial motion for extension of time for filing a brief only upon a clear  
22 showing of good cause. No prior Motion has been filed. No prior requests for an  
23 extension have been made.  
24  
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26 The Nevada Supreme Court has held repeatedly that matters should be  
27 decided on their merits. There are a wealth of cases that stand for this proposition,  
28 particularly for a domestic relations case such as this one. *See Price v. Dunn*, 106

1 Nev. 100, 787 P.2d 785, (1990) (1990) (Nevada's policy favoring decisions on the  
2 merits is heightened in cases involving domestic relations matters); *Dagher v.*  
3 *Dagher*, 103, Nev. 26, 28, 731 P.2d 1329, 1330 (1997) (same). *See also, Leslie v.*  
4 *Leslie*, 1 113 Nev. 727, 941 P.2d 451 (1997); *Kahn v. Orme*, 108, Nev. 510, 516,  
5 835 P.2d 790, 794 (1992)); *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150,  
6 155, 380 P.2d 295 (1963).  
7

8  
9 As indicated, Appellants' Docketing Statement is completed. The Case  
10 Appeal Statement has been filed. The Request for Transcripts has been filed, and  
11 the transcripts are pending. There is no undue prejudice to anyone.  
12

13 Based upon the foregoing, Appellants respectfully requests that Appellants  
14 be granted an extension *nunc pro tunc* to July 7, 2021, or a date the Court believes  
15 is just and equitable, or in the alternative to accept a late filing.  
16

17 DATED this 19<sup>th</sup> day July 2021  
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19 PAGE LAW FIRM

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22 FRED PAGE, ESQ.  
23 Nevada Bar No. 6080  
24 6930 South Cimarron Road, Suite 140  
25 Las Vegas, Nevada 89113  
26 (702) 823-2888  
27 Attorney for Appellants  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Page Law Office and that on July 19, 2021, I electronically filed with the Supreme Court a true and correct copy of the above and foregoing **APPELLANTS' MOTION TO EXTEND TIME OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING.**

I further certify that on July 19, 2021, I served a true and correct copy of the above and foregoing **APPELLANTS' MOTION TO EXTEND TIME OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING** via e-service and U.S. Mail, postage prepaid, to the following:

Emily McFarling, Esq.  
McFarling Law Group  
6230 W Desert Inn Road  
Las Vegas, Nevada 89146  
Attorney for Respondent



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An employee of Page Law Firm