

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 JANEAL CALKINS,)

3)
4 Appellant,)

5 vs.)

6 WAYLON HUBER,)

7 Respondent.)
8
9

Electronically Filed
Oct 07 2021 06:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83053

10 **MOTION FOR EXTENSION OF TIME TO FILE**

11 **OPPOSITION TO MOTION TO DISMISS**

12
13 COMES NOW, Appellant, JANEAL CALKINS, by and through her
14 Attorney of Record, ELIZABETH M. BITTNER, ESQ., and hereby
15 respectfully files this Motion for Extension of time to File Opposition to
16 Motion to Dismiss. This Motion is made and based upon all the pleadings,
17 papers and documents filed heretobefore, and upon the Points and Authorities,
18 all of which are attached hereupon and by this reference incorporated herein.
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20

21 DATED this 7th day of October, 2021.

22 BITTNER LEGAL, LLC

23 /s/ Elizabeth M. Bittner

24 ELIZABETH M. BITTNER, ESQ. (NSB 9329)

25 1225 Westfield Ave., Suite #7, Reno, NV 89509

26 TEL: (775) 357-8733, FAX: (775) 357-8926

27 elizabeth@bittnerlegal.com

28 Attorney for JANEAL CALKINS

POINTS AND AUTHORITIES

Respondent filed a Motion to Dismiss on September 23, 2021. Counsel for Appellant e-filed an Opposition on October 2, 2021. The Court issued a Notice of Rejection of Filed Document on October 4, 2021, stating that the Opposition was untimely and must be accompanied by a motion for extension of time. Counsel for Appellant was under the mistaken belief that the time to respond to motions in appeal cases was the same as in District Court, 14 days, and therefore believed that the Opposition had been filed early. Counsel was leaving for vacation October 2 – 7, and did not want to have a deadline upon return so filed the document what was believed to be “early.” Upon return and review of NRAP 27(a)(3), counsel sees that a response must be filed within 7 days after service of the motion, which would have made the October 2nd filing one (1) day late.

Counsel requests leave of the Court for an extension of time to file the Opposition, as the judicial policy favoring decision on the merits is heightened in domestic relations cases. *Dagher v. Dagher*, 103 Nev. 26, 731 P.2d 1329 (1987).

WHEREFORE, Appellant, JANEAL CALKINS, by and through her Attorney of Record, ELIZABETH M. BITTNER, ESQ., hereby respectfully requests that the Court grant leave for Appellant to file the Opposition to

1 Motion to Dismiss one (1) day late, for the court to consider the Opposition
2 filed herein on October 2, 2021, and for any other order that this court deems
3 appropriate under the circumstances.
4

5 DATED this 7th day of October, 2021.
6 BITTNER LEGAL, LLC
7 /s/ Elizabeth M. Bittner
8 ELIZABETH M. BITTNER, ESQ. (NSB 9329)
9 1225 Westfield Ave., Suite #7, Reno, NV 89509
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12 Attorney for JANEAL CALKINS
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AFFIRMATION

Pursuant to NRS 239B.030 the undersigned affirms that the preceding document does not contain the personal information of any person as defined by NRS 603A.040.

CERTIFICATE OF SERVICE

I certify that I am an employee working for BITTNER LEGAL, LLC, and am a citizen of the United States, over twenty-one years of age, not a party to the within action. My business address is 1225 Westfield Ave., Suite #7, Reno, NV 89509.

On the 8th day of October, 2021, I caused to be delivered a true and correct copy of the within document via

X U.S. First Class Mail, deposited for mailing with sufficient postage pre-paid, addressed as follows:

WAYLON HUBER
4151 Two Rock Drive
Winnemucca, NV 89445

/s/ Elizabeth M. Bittner
ELIZABETH M. BITTNER