

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Nov 23 2021 11:33 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

KATARINA E. KURZ,	)	CASE NO.	83231
	)		
Appellant,	)		
	)		
vs.	)		
	)		
SCOTT M. ANTHONY,	)		
	)		
Respondent.	)		
_____	)		

**MOTION TO EXTEND TIME FOR FILING OF  
RESPONDENT'S FAST TRACK RESPONSE**

Comes now, the Respondent, Scott M. Anthony, by and through his attorney, Joseph W. Houston II, Esq., and requests the court issue and order allowing the filing of the Respondent's Fast Track Response by extending the time for allowing the filing of the same to the date of the submission of this motion.

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## **POINTS AND AUTHORITIES**

NRAP 27 provides for the filing of a motion for relief by a party. The motion being filed herein is to allow the late filing of the Respondent's Fast Track Response for the reasons set forth herein.

The order which reinstated the briefing in this matter after the settlement conference was unsuccessful was filed September 2, 2021. It set forth that the Appellant would have forty days from the date thereof to file their Fast Track Statement. The Appellant did file the Fast Track Statement on the very last day being the fortieth day.

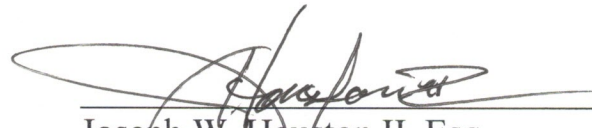
Joseph W. Houston II's office pursuant to his affidavit attached hereto, failed to calendar the twenty-one day response. This was an omission by Joseph W. Houston II who pursuant to his affidavit, not once in forty years of appeals to the Nevada Supreme Court, has ever failed to miss a deadline in regards to any pleading required to be filed.

In the case of *Dagher v. Dagher*, Nev. Adv. Opn. 6 (February 6, 1987), the Nevada Supreme Court set forth its ruling and in fact a ruling which required "heightened" requirement that decisions involving domestic relation cases especially when custody was involved should be based upon the merits of

case and not procedural errors. The Supreme Court specifically stated “. . . the judicial policy favoring decision on the merits is heightened in domestic relation cases where, as here, the interest of non litigants (the minor child or children) are affected . . . the best interest of the child is the sole lawful criterion in making a custody determination.” (the parenthesis in this quote were added). Additionally, as the court will see once the Respondent’s Fast Track Response is allowed to be filed that the Appeal in this matter has no merit, legally or factually, and there is actually no justification for even ordering a briefing in regards to this case.

Dated this 23 day of November, 2021.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "Houston", is written over a horizontal line.

Joseph W. Houston II, Esq.  
Nevada State Bar No.1440  
430 South 7th Street  
Las Vegas, Nevada 89101  
T: (702) 982-1200  
F: (702) 982-1870  
E: [jwh7408@yahoo.com](mailto:jwh7408@yahoo.com)  
Attorney for Respondent  
SCOTT M. ANTHONY

**AFFIDAVIT OF JOSEPH W. HOUSTON II, ESQ.**

STATE OF NEVADA)

) ss:

COUNTY OF CLARK)

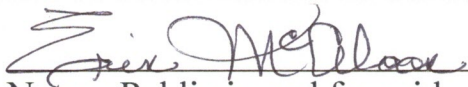
JOSEPH W. HOUSTON II, ESQ., after first being duly sworn, deposes  
and says:

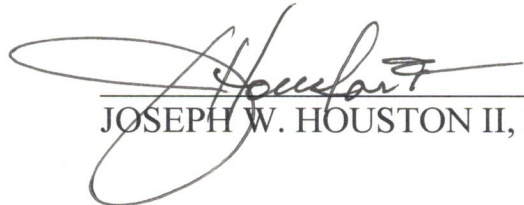
That your Affiant is the Attorney for the Respondent in the above-entitled  
matter;

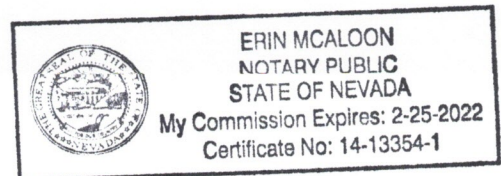
That your Affiant has been an attorney practicing law in the State of  
Nevada for over forty years;

That this is the first time that my office has ever not properly calendared a  
brief which was required to be filed with the Nevada Supreme Court and it was  
a simple mistake on the part of Joseph W. Houston II, Esq. and his office.

SUBSCRIBED and SWORN to  
before me this 23 day of  
NOVEMBER, 2021.

  
Notary Public in and for said  
County and State

  
JOSEPH W. HOUSTON II, ESQ.



## **CERTIFICATION OF SERVICE**

I hereby certify that on the 23rd day of November, 2021, service of the  
Respondent's Fast Track Response was electronically served on the following:

Denise A. Gallagher, Esq.  
GALLAGHER ATTORNEY GROUP, LLC  
E-mail: [denise@gallagherattorneygroup.com](mailto:denise@gallagherattorneygroup.com)  
Attorney for the Appellant



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An Employee of JOSEPH W. HOUSTON II, ESQ.