

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUKE HATCH,

Appellant,

Vs.

KAYCE HATCH,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No.: 83307

**APPELLANT’S MOTION TO
REINSTATE APPEAL**

MEMORANDUM OF POINTS AND AUTHORITIES

The basis for this motion is to seek the reinstatement of the appeal that was previously remanded at the Respondent’s request to resolve issues before the District Court which Respondent sought to resolve. Furthermore, this Motion is brought to request that the that this Court- exercise its jurisdiction to reinstate this Appeal, as requiring that the appeal remain finally dismissed would, under these circumstances, be an unwarranted punitive action against Appellant for the reasons set forth below, given it was Respondent, rather than Appellant, who sought and obtained the remand to District Court in this action. Appellant submits that no delay in this appeal has been caused by Appellant, and indeed, the issues remanded to District Court which have delayed this appeal thus far still have not been decided.

On May 4, 2022, this Court remanded this appeal back to the District Court upon Respondent's Motion for Remand. At that time, because the case had been remanded upon Respondent's request, it was Appellant's belief that the Appeal he filed would be stayed until the District Court resolved the issue which had been the basis of the remand. However, the matter was not formally stayed because Respondent failed to request a full stay while their remanded issues were resolved. In reviewing other cases where this issue has come up, it appears to undersigned counsel that the ordinary procedure would have been to stay this proceeding when Respondent sought remand to District Court, at least until those issues were resolved.

To date, the District Court has still not resolved those issues which Respondent sought and obtained remand to resolve. However, the District Court is still considering those issues, which should be resolved without much further delay.

Given it was Respondent, not Appellant, who sought and obtained remand, Appellant respectfully seeks to reinstate and resume this Appeal as soon as Respondent's remanded issues are resolved. Indeed, Appellant could not prosecute this appeal until those issues were resolved, pursuant to this Court's order of remand. It would be unwarranted under the circumstances to maintain a dismissal of Appellant's appeal when the only reason Appellant did not proceed with the appeal in the ordinary course was because Respondent sought and obtained remand.

Respectfully, this Motion to Reinstate should be granted.

DATED THIS 2nd day of June, 2023

/s/ Bret O. Whipple, Esq.
BRET O. WHIPPLE, ESQ.
Bar No. 6168