

IN THE SUPREME COURT OF THE STATE OF NEVADA

YOAV EGOSI,

Appellant,

v.

PATRICIA EGOSI, N/K/A
PATRICIA LEE WOODS,

Respondent.

Electronically Filed
Nov 02 2021 05:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 83454

District Court No.: D-16-540174-D

**RESPONDENT'S MOTION FOR EXEMPTION FROM SETTLEMENT
PROGRAM AND TO REINSTATE TIMELINES FOR REQUESTING
TRANSCRIPTS AND FOR BRIEFING**

COMES NOW, Respondent, Patricia Egosi, by and through her attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby requests an Order exempting this appeal from the court's Settlement Program as it is not appropriate for it. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Emily McFarling, Esq., and all other papers and pleadings on file herein.

DATED this 2nd day of November, 2021.

MCFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.

Nevada Bar Number 8567

6230 W. Desert Inn Road

Las Vegas, NV 89146

*Attorney for Respondent, Patricia
Egosi*

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On August 24, 2021, Appellant filed his Notice of Appeal in the district court and this case was docketed and assigned to the Fast Track program. On October 12, 2021, the court assigned this case to the settlement program and directed the parties to direct further questions to the assigned settlement judge, Israel Kunin.

After conducting a pre-mediation conference with counsel wherein Respondent's counsel indicated that there was no possibility for settlement, the settlement judge filed an Early Case Assessment Report indicating mediation was tentatively scheduled. More importantly, the ECAR noted that this case has a sordid history (due to the high conflict between the parties and extensive litigation) and the settlement judge would speak with appellant and his counsel within the next couple of weeks and determine the appropriateness of remaining in the program. The settlement judge further indicated that she would then speak with Respondent's counsel.

After discussing the matter with the respondent, the undersigned confirmed that settlement would not be possible.

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II. LEGAL ARGUMENT

A. The Court Should Exempt this Appeal from the Settlement Program and Reinstate Timelines for Requesting Transcripts and for Briefing.

Under NRAP 16(a), any civil appeal in which all parties are represented by counsel and that does not involve termination of parental rights may be assigned to the settlement program.

However, once the appeal is assigned to the settlement program, the Supreme Court may remove it from the program if the settlement judge files an Early Case Assessment Report stating that the case should be removed from the program and reinstate the timelines for requesting transcripts under Rule 9 and briefing under Rule 31.¹

Patricia Egosi respectfully submits that time is of the essence in this matter. While in this case there is a mediation scheduled, the settlement judge indicated that she would speak with appellant and his counsel within the next couple of weeks to determine the appropriateness of remaining in the program.

However, the court should not wait for another report from the settlement judge because the case cannot be settled due to the extensive litigation and high

¹ NRAP 16(b)

conflict between the parties. Also, the parties remain very far apart in their expectations of what would be a fair settlement.

Therefore, Respondent respectfully requests that this Court enter an Order exempting this matter from the settlement program and immediately reinstate the timelines under NRAP 3E, 9 and 31.

DATED this 2nd day of November, 2021.

McFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Respondent,
Patricia Egosi*

DECLARATION EMILY MCFARLING, ESQ.

I, Emily McFarling, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Respondent in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 2nd day of November, 2021.

MCFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Respondent,
Patricia Egosi

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 2nd day of November, 2021, I served a true and correct copy of Respondent's Motion for Exemption from Settlement Program as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Aniela K. Szymanski, Esq.
aniela@anielalaw.com

/s/ Crystal Beville
Crystal Beville