

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

2
3 ROBERT WILLIAM REYNOLDS,

4 Appellant,

5 vs.

6 SUSAN VICTORIA REYNOLDS,

7 Respondent.

No.: 83473

MOTION TO STAY BRIEFING

Electronically Filed
Mar 08 2022 09:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 Comes now Appellant, Robert Reynolds, by and through his counsel, F.
9 Peter James, Esq., who hereby requests this Honorable Court to stay briefing to
10 permit a *Huneycutt* motion to be filed in the district court.

11 **POINTS AND AUTHORITIES**

12 Appellant is requesting to stay briefing to permit him to file a *Huneycutt*
13 motion in the district court which, if successful, would render the appeal moot.
14 Requests for relief must be made by motion absent another way prescribed by
15 rule. *See* NRAP 27(a)(1).

16 As the appeal is pending, the district court generally has no jurisdiction to
17 enter orders granting motions—it may generally only state how it is inclined to
18 rule; however, the district court may deny motion while an appeal is pending.
19 *See Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978); *see also Foster v.*
20 *Dingwall*, 126 Nev. 49, 53, 228 P.3d 453, 455-56 (2010).

1 Here, Appellant opines that a Rule 60(a) motion (and perhaps for other
2 similar relief) in the district court might be fruitful, more cost effective, save
3 judicial resources, and moot out the appeal if the relief is granted. Counsel for
4 Appellant was not trial counsel. The more Counsel reviews the record and has
5 discussed the issue with Appellant, the more clear it is that a Rule 60(a) motion
6 is the better vehicle for relief.

7 Appellant asserts that ninety (90) days should be sufficient to file the
8 motion, have it opposed, to file a reply, have the district court make a ruling, and
9 to have the order entered. Should the matter take less time or more time based
10 on the district court's calendar, Appellant shall so notify the Court.

11 CONCLUSION

12 Accordingly, the Court should stay briefing to permit a *Huneycutt* motion
13 in the district court which, if successful, would render the appeal moot.

14 Dated this 8th day of March, 2022

15 /s/ *F. Peter James*

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Ryan Hamilton, Esq.
Counsel for Respondent