

1 Thomas F. Christensen, Esq.
2 Nevada Bar #2326
3 1000 S. Valley View Blvd.
4 Las Vegas, NV 89107
5 T:702-870-1000
F:702-870-6152
courtnotices@injuryhelpnow.com

Electronically Filed
Jan 03 2022 03:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

6 **IN THE SUPREME COURT**
7 **OF THE STATE OF NEVADA**

8 GARY LEWIS and CHEYENNE
9 NALDER,

Appellants,

10 vs.

11 UNITED AUTOMOBILE INSURANCE
12 COMPANY,

Respondent.

SUPREME COURT CASE NO. 83881

District Court Case :A-18-772220-C

13
14 **OPPOSITION TO MOTION TO DISMISS APPEALS**

15 United Automobile Insurance Company has filed a brief Motion to Dismiss appeals
16 pursuant to NRAP 4(a)(1), (2). The Notice of Entry of Order was filed on October 27, 2021 at
17 4:55pm. The Notice of Appeal was therefore due on November 29, 2021, a Monday. The Notice
18 of Appeal was filed on Tuesday, November 30 at 8:12 a.m. Appellants' counsel, who is 65 years
19 of age, had several unforeseen and unexpected circumstances, including close family members
20 contracting COVID at the time the Notice was due that resulted in an error in that the Notice of
21 Appeal was filed 8 hours later than the deadline. Additionally, this Appellant questions his
22 standing to appeal. The Order in question fails to distinguish which costs were incurred in
23 connection with two totally separate claims by completely separate parties. Appellant believes
24 that the Order challenged on this appeal is unclear and vague as to whom it is against, so
25 Appellant is unsure if he is an aggrieved party to challenge the Order. The Order creates an
26 unexecutable judgment due to the failure to specify against which party it is entered. This is not
27
28

1 an error that can be corrected as a clerical error, but would rather require further discretionary
2 action by the Court. Dismissing the appeal will only delay the administration of justice in this
3 case. The Notice of Appeal was filed in an abundance of caution.
4

5 Additionally, another Appeal is pending in this Court under case number 83392, wherein
6 the underlying substantive decisions by the trial court are being appealed. If Appellant is
7 successful with regard to that appeal, this appeal will be moot and should be dismissed.
8

9 With regard to the timing of the Notice of Appeal, since the pandemic, Appellant's
10 counsel's office has necessarily reduced in size and now consists of only one support staff
11 position and two attorneys. On November 21, 2021 the daughter of the support staff was
12 diagnosed with COVID-19 and was in the hospital. This resulted in quarantine of their entire
13 family and substantial concern about the entire small office being exposed. Therefore, no one was
14 actually in the office for an extended, unplanned period. Lead counsel, who is 65 years old, was
15 out of town for the Thanksgiving holiday; however, upon arrival at the family gathering, it was
16 discovered that some members of the family also tested positive for COVID-19. This resulted in
17 quarantine for some and rearrangement of plans for other members of the family. The one
18 associate attorney left was over burdened with support staff duties, attempting to work from home
19 with limited technology available, and also had to print, bind, prepare and mail extensive paper
20 briefs requested by the 9th Circuit Court (on a 7 day deadline during this holiday week that only
21 included three business days.) Appellant believes the totality of circumstances described above
22 demonstrate extraordinary and compelling circumstances that warrant this Court accepting the
23 Notice of Appeal as if it were filed by midnight the prior day.
24

25 The Appellant believes the trial court must enter an Order specifying which costs are
26 adjudged against which parties so that Appellant may know if he is aggrieved by the October 27,
27
28

1 2021 Order entered. If this appeal is dismissed, Appellants and their counsel thank the Court in
2 advance for its consideration of this request in light of these circumstances.
3

4 DATED this 3rd day of January, 2022.

5 CHRISTENSEN LAW OFFICES, LLC

6 /s/Thomas Christensen
7 THOMAS F. CHRISTENSEN, ESQ.
8 Nevada Bar No. 2326
9 1000 S. Valley View Blvd.
10 Las Vegas, Nevada 89107
11 Telephone: (702) 870-1000
12 courtnotices@injuryhelpnow.com
Attorney for Appellant Lewis

13 **CERTIFICATE OF SERVICE**

14 I certify that I am an employee of CHRISTENSEN LAW OFFICES, LLC and that on this
15 3rd day of January, 2022, I served a copy of the foregoing **OPPOSITION TO MOTION TO**
16 **DISMISS** as follows:

17 XX E-Served through the Court's e-service system to all registered users on the case.
18

19 /s/Thomas Christensen
20 An employee of CHRISTENSEN LAW OFFICES, LLC
21
22
23
24
25
26
27
28