

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

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3
4 MMV INVESTMENTS LLC, a Delaware
5 limited liability company,

6 Appellant,

7 vs.

8 DRIBBLE DUNK, LLC, a Nevada
9 limited-liability company; ALL NET,
10 LLC, a Nevada limited-liability company;
11 JACKIE L. ROBINSON, an individual;
12 DOES I through X inclusive; and ROES I
13 through X, inclusive,

14 Respondents.

Electronically Filed
Oct 04 2022 03:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 85337
District Court No.: A-21-844680-B

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16 **APPELLANT'S MOTION FOR RECONSIDERATION**

17
18 Matthew M. Pruitt, Esq.
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27 *Attorneys for Appellant MMV INVESTMENTS LLC, a Delaware Limited Liability*
28 *Company*

1 COMES NOW Plaintiff MMV INVESTMENTS LLC ("Plaintiff"), by and
2 through its attorneys of record, KIRTON McCONKIE, and hereby moves this
3
4 Honorable Court to reconsider its Order Dismissing Appeal pursuant to Nevada
5 Rules of Civil Procedure ("NRCPP") 60(b)(1) and (6) and Nevada Rules of
6 Appellate Procedure ("NRAP") 27(b).
7

8 This Motion is made and based upon the pleadings and papers already on
9 file with the Court, the memoranda of points and authorities contained herein, and
10 any exhibits or affidavits which may be attached hereto.
11

12 DATED this 4th day of October, 2022.

13 KIRTON McCONKIE

14
15 

16 MATTHEW PRUITT, ESQ.
Nevada Bar #12474
17 D. ANDREW LAJOIE, ESQ.
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STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

1. This Affidavit is being made in connection with Plaintiff's Motion for Reconsideration.

3. I filed the Notice of Appeal in this case on September 14, 2022 on behalf of Plaintiff.

5. On September 30, 2022, this Court dismissed the appeal by order.

7. On October 3, 2022, I confirmed that the e-filing contact information for the Nevada Supreme Court was outdated given my recent change of law firms.

3

1 9. I moved firms in March 2022, but have not had occasion to file into
2 the Nevada Supreme Court since that time other than to withdraw from another
3 case.
4

5 10. I was under the apparently mistaken belief that the District Court
6 would forward all counsel's current contact information for this case upon filing
7 the Notice of Appeal.
8

9 11. On October 3, 2022, I caused for my contact information to be
10 updated and also confirmed with the Court by telephone that Plaintiff's checks for
11 the fees were received and are on hold until a motion for reconsideration could be
12 brought before the Court.
13

14 12. FURTHER YOUR AFFIANT SAYETH NAUGHT.
15

16 

17 MATTHEW PRUITT, ESQ.
18

19 SUBSCRIBED and SWORN to before
20 me this 4th day of October, 2022.

21 

22 NOTARY PUBLIC
23



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **LEGAL ARGUMENT**

4 Pursuant to NRCP 60(b)(1) and (6), “the court may relieve a party or its legal
5 representative from a final judgment, order, or proceeding for . . .mistake,
6 inadvertence, surprise, or excusable neglect . . . [or] any other reason that justifies
7 relief.” NRCP 60(b)(1),(6).

8 Additionally, under NRAP 27(b), “[a] party adversely affected by the
9 court’s, or the clerk’s, action may file a motion to reconsider, vacate or modify that
10 action.” NRAP 27(b).

11 Here, given the counsel for Plaintiff has recently changed employment with
12 law firms, that transition caused counsel to not receive timely notices from the
13 appellate court. Counsel believed that updates were made for notification as the
14 recent transition took place and was surprised when dismissal had occurred in this
15 case. Counsel for plaintiff immediately updated the contact information with the
16 Court as soon as was practicable and is acting diligently in seeking for this Court
17 to reconsider its order of dismissal.

18 Had there not of been a mistake or surprise that the contact information was
19 outdated, Plaintiff’s case would not have been dismissed as the Notice to Pay
20 Supreme Court Filing Fee would have been received earlier and the fees would
21 have also been timely paid.

22 It should also be noted that had the Court known that the fee checks were
23 postmarked on September 29, 2022, it may not have dismissed the case on
24 September 30, 2022.

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II.

CONCLUSION

Based on the forgoing reasons, Plaintiff respectfully apologizes to the Court for the oversight and requests the Court to reconsider its dismissal order given that Plaintiff's counsel has recently transitioned into a new law firm and such transition resulted in the inadvertent oversight of updating contact and notification information with the Court of which falls within NRCP 60(b)(1),(6) and NRAP 27(b).

DATED this 4th day of October, 2022.

KIRTON McCONKIE



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