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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAGGIE ROE, N/K/A MAGGIE COX,) Case No: 84893
)
Appellant,)
)
v.)
)
JASON ROE,)
)
Respondent.)
_____)

**APPELLANT’S RESPONSE TO THE COURTS ORDER TO SHOW
CAUSE.**

Appellant, MAGGIE COX, by and through her Attorney, Melvin R. Grimes, Esq. of the Roberts Stoffel Family Law Group, respectfully responds to this Court’s Order to Show Cause why the case should not be dismissed.

POINTS AND AUTHORITIES

The Order under appeal was issued following three (3) days of evidentiary hearing, (March 10, 11, and 31, 2022). The district court issued its preliminary ruling immediately following closing arguments. Respondent’s Counsel was

directed to draft and submit the Order After Hearing. The District Court issued its Order May 18, 2022, apparently deciding to draft their own Order.

Appellant filed a Notice of Appeal June 9, 2022. The Notice of Appeal asserts the Appellant is appealing the Order from March 11, 2022, entered on April 11, 2022. The Notice of Appeal should have listed all three evidentiary hearing dates, (March 10, March 11, and March 31). The Notice of Appeal should have stated the Order was entered May 18, 2022.

Nev. R. App. P. 3(a)(2) provides,

An appellant's failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the court to act as it deems appropriate, including dismissing the appeal.

Nev. R. App. P. 3(d)(1) continues

The appellant shall serve the notice of appeal on all parties to the action in the district court. Service on a party represented by counsel shall be made on counsel. If a party is not represented by counsel, appellant shall serve the notice of appeal on the party at the party's last known address. The appellant must note, on each copy, the date when the notice of appeal was filed. The notice of appeal filed with the district court clerk shall contain an acknowledgment of service or proof of service that conforms to the requirements of Rule 25(d).

The intent of the Notice of Appeal is to properly inform the Respondent and the Clerk of the Court of the Appeal and the Order which is under appeal. The Respondent needs to have notice and ability to respond to the Appeal. The Clerk of

the Court needs notice to assist in the preparation of the Appellate Record and transcript.

The Notice of Appeal contained a typographical error in not containing all three (3) dates of the evidentiary hearing. The Notice of Appeal also had a scrivener error in misstating the date of the entry of order.

The Respondent was aware of the Order on Appeal and appeared for the conference regarding Supreme Court Settlement. The court can reasonably conclude the Respondent was not prejudiced by this error.

The intent of Nev. R. App. P. 3 is to ensure proper notice of all affected persons. Here all Parties were placed on notice and not prejudiced by the errors in the Notice of Appeal.

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The Court should not dismiss the present Appeal. The Court should permit the Appeal to proceed on the present filings, simply interlineating the correct date of Notice of Entry.

DATED this 18 day of August 2022.

ROBERTS STOFFEL FAMILY LAW GROUP

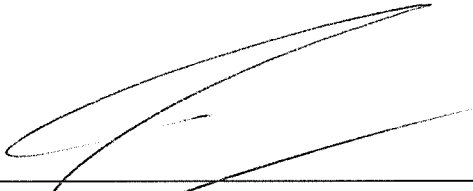


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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of The Roberts Stoffel Family Law Group, and that Appellant's Response to The Courts Order to Show Cause was filed electronically with the Clerk of the Nevada Supreme Court in the above-entitled matter on August 18, 2022. I further certify that the foregoing was served on the following interested parties, via electronic service pursuant to NEFCR 9, to:

Fred Page, Esq.
Page Law Firm
6930 S. Cimarron Rd. Suite 140
Las Vegas, Nevada 89113
Attorney for Respondent



Employee of Roberts Stoffel Family Law Group