

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **FACTUAL BACKGROUND**

4 On June 9, 2022, Appellant, Maggie Roe nka Maggie Cox (hereinafter
5 “Maggie”), filed her Notice of Appeal. In her Notice of Appeal, Maggie stated that
6 she was appealing the Order from March 11, 2022, entered April 11, 2022, and
7 other interlocutory orders. See Notice of Appeal at page 1, line 23, to page 2, line
8 1. Maggie never filed a Notice of Appeal of the Findings of Fact, Conclusions of
9 Law, and Judgment entered by the district court on May 18, 2022.
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12 No appellate settlement conference was ever held. The only interaction that
13 occurred was that a telephone conference was held with the settlement judge,
14 respondent’s counsel, and appellant’s counsel. It was concluded at the telephone
15 conference that the case was not appropriate for the Supreme Court’s settlement
16 program.
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19 **II.**

20 **LEGAL ARGUMENT**

21 The Nevada Rules of Appellate Procedure provides that a notice of appeal
22 must be filed within 30 days of notice of entry of the order or judgment being
23 appealed. NRAP 4(a)(1) states,
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26 In a civil case in which an appeal is permitted by law from a
27 district court, the notice of appeal required by Rule 3 shall be filed
28 with the district court clerk. Except as provided in Rule 4(a)(4), a
notice of appeal must be filed after entry of a written judgment or
order, and no later than 30 days after the date that written notice of
entry of the judgment or order appealed from is served. If an

1 applicable statute provides that a notice of appeal must be filed
2 within a different time period, the notice of appeal required by
3 these Rules must be filed within the time period established by the
statute.

4 A notice of appeal must specify: (1) the party or parties taking the appeal;
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6 (2) the judgment, order or part thereof being appealed; and (3) the court to which
7 the appeal is taken. *See* NRAP 3(c).

8 That Maggie was appealing the Judgment from the evidentiary hearing that
9 was held on March 10, 11, and 31, 2022, was not sufficiently identifiable from the
10 Notice of Appeal. Maggie stated the incorrect hearing dates. Maggie also stated
11 wrong Notice of Entry of Order from which she claims she was appealing. As
12 stated, in her Notice of Appeal, Maggie specifically stated that she was appealing
13 the Order entered, “. . . on March 11, 2022 entered in this matter on April 11,
14 2022.” *See* Notice of Appeal at page 1, lines 23-24.
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18 An appealable judgment or order that is not sufficiently identified in the
19 notice of appeal is not deemed to have been appealed to the appellate court. *See*
20 NRAP 3(c)(1)(B); *see Welch v. State ex rel. Hwy Dep’t*, 80 Nev. 128, 130-31, 390
21 P.2d 35, 36 (1964); *Manzonie v. State of Nev. ex rel De Ricco*, 81 Nev. 53, 55, 398
22 P.2d 694, 695 (1965); *Charmicor, Inc. v. Bradshaw Fin. Co.*, 92 Nev. 310, 312-13,
23 550 P.2d 413, 415 (1976).
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27 Maggie never timely filed a Notice of Appeal from the Judgment from the
28 evidentiary hearing and never adequately identified what she was appealing in her

1 Notice of Appeal filed June 9, 2022. Accordingly, the Order to Show Cause issued
2 by this Court should be granted and the appeal should be dismissed.

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4 **III.**
5 **CONCLUSION**

6 WHEREFORE, based upon the foregoing, the Court's Order to Show Cause
7 should be granted and Maggie's appeal should be dismissed.

8 DATED this 28th day of August 2022

9
10 PAGE LAW FIRM

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12
13 *Fred Page*
14 FRED PAGE, ESQ.
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19 Attorney for Respondent, Jason Roe
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VERIFICATION

The undersigned counsel of record certifies as follows: I hereby certify that this Reply complies with the requirements of NRAP 27, as it has been served to Appellant via e-service and United States mail, has been prepared proportionally spaced typeface using Microsoft Word in Times New Roman, size 14 font. I also certify that the information provided in this Opposition is true and complete to the best of my knowledge, information, and belief

DATED this 28th day of August 2022

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NRAP 26.1 STATEMENT

The undersigned counsel of record certifies that the following are persons and entities described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the justices of this Court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly-held companies owning 10 percent or more of the party’s stock: N/A

2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the District Court or before an administrative agency) or are expected to appear in Court”

- a. Brett Whipple, Esq. for Appellant
- b. Rhonda Forsberg, Esq. for Appellant
- c. Jamie Kent, Esq. for Appellant
- d. Amanda Roberts, Esq. for Appellant
- e. Melvin Grimes, Esq. for Appellant
- f. Fred Page, Esq. of Page Law Firm for Respondent

3. If litigant is using a pseudonym, the litigant’s true name: None.

DATED this 28th day of August 2022

PAGE LAW FIRM

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Las Vegas, Nevada 89113
Attorney for Respondent, Jason Roe

CERTIFICATE OF SERVICE

The undersigned certifies that on the 28th day of August 2022 that Respondent’s Reply to Appellant’s Response to the Court’s Order to Show Cause was served as via e-service to Melvin Grimes, Esq. attorney for Appellant, Maggie Roe nka Maggie Cox, and via United States mail, postage prepaid to:

Melvin Grimes, Esq.
4411 South Pecos Road
Las Vegas, Nevada 89121
Attorney for Appellant

Fred Page
An employee of Page Law Firm