

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

AMY COLLEEN LUCIANO,

Appellant,

v.

FRANK LUCIANO,

Respondent.

Electronically Filed  
Sep 13 2023 10:00 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No.: 86782

District Court No.: D-19-598320-D

**RESPONDENT'S MOTION FOR EXEMPTION FROM SETTLEMENT  
PROGRAM AND TO REINSTATE TIMELINES FOR REQUESTING  
TRANSCRIPTS AND FOR BRIEFING**

COMES NOW, Respondent, Frank Luciano, by and through his attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby requests an Order exempting this appeal from the court's Settlement Program as it is not appropriate for it. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Emily McFarling, Esq., and all other papers and pleadings on file herein.

DATED this 12<sup>th</sup> day of September, 2023.

**McFARLING LAW GROUP**

/s/ Emily McFarling

Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
Las Vegas, NV 89146  
(702) 565-4335  
*Attorney for Respondent,  
Frank Luciano*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. STATEMENT OF FACTS**

This is one of repeated appeals and motions filed in District Court by Appellant. Appellant is becoming a vexatious litigant and this appeal has no merit and there is nothing that needs to be settled.

### **II. LEGAL ARGUMENT**

#### **A. The Court Should Exempt this Appeal from the Settlement Program and Reinstate Timelines for Requesting Transcripts and for Briefing.**

Under NRAP 16(a), any civil appeal in which all parties are represented by counsel and that does not involve termination of parental rights may be assigned to the settlement program.

However, once the appeal is assigned to the settlement program, the Supreme Court may remove it from the program if the settlement judge files an Early Case Assessment Report stating that the case should be removed from the program and reinstate the timelines for requesting transcripts under Rule 9 and briefing under Rule 31.<sup>1</sup>

Frank Luciano respectfully submits that time is of the essence in this matter and that the court should not wait for the settlement judge assignment or the

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<sup>1</sup> NRAP 16(b)

settlement judge's Early Case Conference Report. This case cannot be settled because Appellant is becoming a vexatious litigant and this appeal has no merit and there is nothing that needs to be settled.

Therefore, Frank Luciano respectfully requests that this Court enter an Order exempting this matter from the settlement program and immediately reinstate the timelines under NRAP 3E, 9 and 31.

DATED this 12<sup>th</sup> day of September, 2023.

**MCFARLING LAW GROUP**

/s/ Emily McFarling

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Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
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(702) 565-4335  
*Attorney for Respondent,*  
*Frank Luciano*

**DECLARATION EMILY MCFARLING, ESQ.**

I, Emily McFarling, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Respondent in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 12<sup>th</sup> day of September, 2023.

**MCFARLING LAW GROUP**

/s/ Emily McFarling

Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
Las Vegas, NV 89146  
(702) 565-4335  
*Attorney for Appellant*  
*Frank Luciano*

## **CERTIFICATE OF SERVICE**

I, an employee of McFarling Law Group, hereby certify that on the 13<sup>th</sup> day of September, 2023, I served a true and correct copy of Respondent's Motion for Exemption from Settlement Program as follows:

☐ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Amy Hanley aka Amy Colleen Luciano  
[ahanley1976@gmail.com](mailto:ahanley1976@gmail.com)  
[luciano.amyc@icloud.com](mailto:luciano.amyc@icloud.com)

/s/ Alex Aguilar  
Alex Aguilar