

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

2 LUKE HATCH,

3 Appellant,

4 KAYCE HATCH,

5 Respondent,

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No.: 87169

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Jan 12 2024 01:54 PM
Elizabeth A. Brown
Clerk of Supreme Court

8 **APPELLANT’S RESPONSE TO ORDER TO SHOW CAUSE**

9
10 COMES NOW Appellant, LUKE HATCH, by and through his attorney of
11 record, BRET O. WHIPPLE, ESQ., of the JUSTICE LAW CENTER, and hereby
12 files his Response to the Order To Show Cause issued by this Court on December
13 13, 2023.

14 This Response is made and based on the papers and pleadings on file herein,
15 the Points and Authorities set forth herein, and the affidavits, if any, attached
16 hereto.
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18 DATED on this 12th day of January, 2024.

19
20 **JUSTICE LAW CENTER**

21 /s/ Bret O. Whipple
22 BRET O. WHIPPLE, ESQ.
23 Nevada Bar #6168
24 1100 S. Tenth Street
 Las Vegas, NV 89104
 Attorney for Appellant

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Thereafter, on July 5, 2023, Plaintiff's counsel filed her Memorandum of Fees. The Court issued its Order Fixing Attorney's Fees and Costs on July 25, 2023, with the Notice of Entry of that Order being filed on July 28, 2023. Defendant filed his Notice of Appeal herein on August 15, 2023.

II.

LEGAL AUTHORITY

Nevada Rules of Appellate Procedure 4(a)(4) provides that

If a party timely files in the district court any of the following motions under the Nevada Rules of Civil Procedure, the time to file a notice of appeal runs for all parties from entry of an order disposing of the last such remaining motion, and the notice of appeal must be filed no later than 30 days from the date of service of written notice of entry of that order:

- (A) a motion for judgment under Rule 50(b);
(B) a motion under Rule 52(b) to amend or make additional findings of fact;
(C) a motion under Rule 59 to alter or amend the judgment;
(D) a motion for a new trial under Rule 59.
- [Added; effective December 16, 2004; as amended; effective July 1, 2009.]

(5) Appeal From Certain Amended Judgments and Post-Judgment Orders. An appeal from a judgment substantively altered or amended upon the granting of a motion listed in Rule 4(a)(4), or from an order granting or denying a new trial, is taken by filing a notice of appeal, or amended notice of appeal, in compliance with Rule 3. The notice of appeal or amended notice of appeal must be filed after entry of a written order disposing of the last such remaining timely motion and no later than 30 days from the date of service of written notice of entry of that order.

1 In this matter, Plaintiff filed a motion under NRCp 59(A) for a new trial or to
2 alter or amend the judgment issued on July 9, 2021. Such a judgment is one of the
3 motions listed in NRAP 4(a)(4). Accordingly, the time to file a notice of appeal was
4 not later than 30 days from entry of an order disposing the last such remaining
5 motion. Part and parcel of Plaintiff's Motion for A New Trial was a request for
6 attorney's fees. When the District Court ruled in Plaintiff's favor, it ordered
7 Plaintiff to file a memorandum of fees and costs and thereafter, issued its Order
8 Fixing Attorney's Fees and Costs on July 25, 2023. The Notice of Entry of that
9 Order was filed on July 28, 2023. The last issue, that being attorney's fees, was
10 disposed of with the entry of the Court's Order Fixing Attorney's Fees and Costs on
11 July 25, 2023. Thus, the parties had thirty (30) days from the Notice of Entry of the
12 Order Fixing Attorney's Fees and Costs in which to file their Notice of Appeal.
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15 Appellant filed his Notice of Appeal on August 15, 2023, well within the time
16 to appeal. Thus, Appellant believes his appeal is timely pursuant to NRAP
17 4(a)(4)(C).
18

19 III.

20 CONCLUSION

21 Based on the foregoing facts and circumstances, Appellant believes that he
22 filed his Notice of Appeal in a timely manner as required by NRAP 4(a)(4)(C).
23 Accordingly, he requests that his Appeal be allowed to proceed.
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DATED on this 12th day of January, 2024.

/s/ Bret O. Whipple
BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
1100 S. Tenth Street
Las Vegas, NV 89104
Attorney for Appellant
Luke Hatch

I HEREBY CERTIFY that on the 12th day of January, 2023, I submitted a true and correct copy of the foregoing to *eflex*, the electronic filing/service platform utilized by the Nevada Supreme Court, which will give notice to the following:

/s/ Jeanne Metzger
An employee of JUSTICE LAW
CENTER