

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

2
3 ROCHELLE MEZZANO,

4 Appellant,

5 vs.

6 JOHN TOWNLEY,

7 Respondent.

No.: 87863-COA Electronically Filed
Mar 12 2024 05:43 PM
Elizabeth A. Brown
Clerk of Supreme Court
**REPLY TO OPPOSITION TO
MOTION FOR LEAVE TO
EXTEND TIME TO FILE
TRANSCRIPT ESTIMATE**

8 COMES NOW Appellant, Rochelle Mezzano, by and through her counsel,
9 F. Peter James, Esq., who hereby replies to Respondent's Opposition to
10 Appellant's Motion to Extend Time to File Transcript Estimate.

11 This Reply is made and based on the papers and pleadings on file herein,
12 the attached points and authorities, the attached affidavit(s) / declaration(s), the
13 filed exhibit(s), and upon any oral argument the Court will entertain.

14 **POINTS AND AUTHORITIES**

15 The Court should grant the relief requested in the initial motion. Appellant
16 has good cause for the request, despite Respondent's claim to the contrary.

17 Appellant reviewed the record and had a list of JAVS recordings to be
18 requested months ago. However, Appellant could not submit a final list as she
19 did not know the contents of the sealed document from November 7, 2023,
20 labeled "transcript". Appellant believed that this was an actual transcript from

1 one of the prior proceedings. The title did not give any insight as to which
2 proceeding it might have been from, preventing Appellant from requesting any
3 of the necessary JAVS recordings.

4 Appellant did not want to have JAVS recordings copied for a proceeding
5 that had already been transcribed. Appellant did not want to cause confusion or
6 incur unnecessary expenses for something that was not needed. Appellant
7 promptly requested the JAVS recordings after the Court resolved the pending *ex*
8 *parte* motion. Moreover, the request for the JAVS recordings was satisfied by
9 the clerk on March 4, 2024. Appellant has also been working with Transcription
10 Services to have the recordings transcribed.

11 Respondent attempts to fault Appellant for not having trial transcribed
12 pursuant to NRS 3.380. Appellant was in proper person at the time of trial. She
13 could not anticipate an appeal. She hoped for a ruling that would not need to be
14 appealed. Moreover, Appellant did not have a duty to ensure the matter was
15 transcribed pursuant to NRS 3.380.

16 Appellant has been diligent in obtaining transcripts in this matter. The
17 district court created a majority of the delays by taking weeks to address the *ex*
18 *parte* motion related to the transcripts. Appellant should not be punished for this,
19 as she has little control over when the district court issues orders. Moreover,

1 Respondent is not harmed by Appellant's request to extend the deadline two
2 additional weeks.

3 **CONCLUSION**

4 The Court should grant Appellant's Motion Appellant filed a Motion to
5 Extend Time to File Transcript Estimate. Appellant does not anticipate any
6 further delays in getting the transcript estimate in this matter.

7 Dated this 12th day of March, 2024

8 /s/ *F. Peter James*

9

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