

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
Apr 30 2024 04:01 PM
Elizabeth A. Brown
MOTION FOR DIRECTIVES
Clerk of Supreme Court

8 Appellant, Rochelle Mezzano, by and through her counsel, F. Peter James,
9 Esq., who hereby moves this Honorable Court for directives on how to resolve
10 issues related to transcript preparation.

11 **DECLARATION OF APRIL SCHULTZ**

12 I, April Schultz, hereby declare and state under penalty of perjury as
13 follows:

- 14 1. I am the paralegal for F. Peter James, Esq. Mr. James is counsel for
15 Appellant, Rochelle Mezzano, in the above-entitled matter.
- 16 2. I have personal knowledge of the facts contained in this declaration, save
17 those stated upon information and belief, and, as to those matters, I believe
18 them to be true.
- 19 3. I am competent and willing to testify in a court of law as to the facts
20 contained herein.

1 4. I contacted litigation services to prepare transcripts in the above-entitled
2 matter on March 7, 2024. This came after I learned that the first
3 transcription company I reached out to in February 2024 could not prepare
4 the transcripts as requested.

5 5. On March 11, 2024, I received a response from Denise Matt of Litigation
6 Services, and began working with her to get transcripts prepared in the
7 above-entitled matter.¹ Payment was made on March 13, 2024, and
8 Litigation Services began preparing transcripts.

9 6. On March 19, 2024, our office received a copy of transcripts that had been
10 prepared by Litigation Services. At this time, I believed that the
11 transcription company would be sending the district court the same copies
12 and that we would receive file stamped copies. This is what happened
13 when we used Litigation Services to prepare transcripts for Case No.
14 81379. (*See* Transcript of Proceedings filed December 1, 2020, in Case
15 No. 81379).

16 7. On March 29, 2024, I contacted Litigation Services as I had not received
17 file stamped copies of the transcripts. I explained that I was concerned
18

19 ¹ Litigation Services has outsourced the job to Noble Transcription Services, but
20 Litigation Services remains our point of contact.

1 about how we received the transcripts and asked that they be provided
2 directly to the Court for filing. I did not receive a response until April 11,
3 2024.

4 8. On Friday, April 12, 2024, Litigation Services informed me that
5 Department 13 of the Second Judicial District Court would not file the
6 transcripts that were prepared and asked if our office had an e-flex account.
7 This question was concerning to me as I have never been asked to file
8 transcripts. I brought this to Peter's attention immediately.

9 9. I later learned that none of the transcriptionists with Litigation Services
10 have e-flex accounts with the Second Judicial District Court, and because
11 of this, Litigation Services expressed that they were unsure on how to get
12 the transcripts filed.

13 10. The following week, I called Department 13 and I believe I spoke with the
14 JEA. She was not sure how to handle that situation but did confirm that
15 the law clerk declined to file the transcripts when Litigation Services
16 contacted them. While she was unable to help me, she did say that if I was
17 able to get any additional information or continued to have issues with this,
18 she could try to get more guidance.

19 11. Peter instructed me to call the Supreme Court Clerk's Office. Again, the
20 clerk found the scenario odd and did not understand why the transcripts

were not being filed with the District Court. Being careful not to give legal advice, the clerk spoke with her supervisor on the matter. I was informed that our office could file a motion with the Appellate Court and request directives on how to proceed.

/s/ April Schultz

April 30, 2024

APRIL SCHULTZ

DATE _____

POINTS AND AUTHORITIES

Requests for relief must be made by motion absent another way prescribed by rule. *See* NRAP 27(a)(1). NRAP 9(c)(1)(A) requires a court reporter or recorder to file the original transcript with the district court.

Here, Appellant has hired litigation services to prepare transcripts of the district court proceedings at issue on appeal. Litigation services contracted a transcriber and prepared the requested transcripts. However, there is confusion about who is responsible for filing the original transcripts with the district court, how they are to be filed, and why they have not been filed.

Appellant has contacted the district court, Supreme Court Clerk, and the transcription company to get this issue resolved, to no avail. Transcripts have been prepared. Appellant just needs assistance in getting the transcripts filed with the district court so that they can be used on appeal. Litigation Services has

1 represented that the department would not allow them to file the transcript, and
2 that the transcriber does not have an e-flex account to file the transcripts. (*See*
3 Exhibit 1). Appellant has been unable to obtain answers on how to resolve this
4 issue and seeks guidance from the Court.

5 Appellant is requesting an Order directing the transcriber and / or the
6 district court on how to proceed in getting the transcripts filed with the district
7 court. Appellant cannot use the transcripts until they are an official part of the
8 record. As such, intervention from the Appellate Court is necessary.

9 CONCLUSION

10 As such, the Court should issue an Order establishing who is responsible
11 for filing the prepared transcripts with the district court, an order for the
12 transcripts to be filed with the district court, and any other directives that may be
13 necessary to ensure that the record is properly curated.

14 Dated this 30th day of April, 2024

15 /s/ *F. Peter James*

16 LAW OFFICES OF F. PETER JAMES

F. Peter James, Esq.

17 Nevada Bar No. 10091

3821 W. Charleston Blvd., Suite 250

18 Las Vegas, Nevada 89102

702-256-0087

19 Counsel for Appellant

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Alexander Morey, Esq.
Counsel for Respondent

EXHIBIT 1

From: momler@veritext.com <calendar-litnv@veritext.com>
Sent: Friday, April 19, 2024 1:57 PM
To: april peterjameslaw.com
Subject: Re: Townley v. Mezzano Transcripts

Okay. Yeah this is a weird one because the reporter/transcriptionist who does all of our transcribing jobs do not have e-flex accounts with Second Judicial, so I'm not sure how we're supposed to get the originals filed with Second Judicial!

—
Best regards,

Mia Mezzetti-Omler
momler@veritext.com

LITIGATION SERVICES, a Veritext Company

151 Country Estates Cr.

Reno, NV 89511

P 775.323.3411

momler@veritext.com

www.litigationervices.com

www.veritext.com

We'd love your feedback! Please take our [SURVEY](#) - Thank you!



On April 19, 2024 at 10:55 AM PDT april@peterjameslaw.com wrote:

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good morning!

I did some digging.

We are not permitted to file those transcripts with the District Court.

Peter, the department law clerk, and the supreme court clerk all agreed that off the reading of the rules we would not be permitted to do that.

It looks like we are going to be seeking direction from the Supreme Court because they did confirm that we have to use file stamped copies of the transcripts.

Just wanted to keep you in the loop!

Thank you,

April Schultz, Legal Assistant



3821 West Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
702-256-0087 (Office)
702-256-0145 (Fax)
www.PeterJamesLaw.com

From: momler@veritext.com <calendar-litnv@veritext.com>
Sent: Friday, April 12, 2024 1:32 PM
To: april peterjameslaw.com <april@peterjameslaw.com>
Subject: Re: Townley v. Mezzano Transcripts

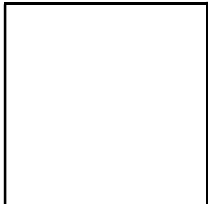
So it's not the Supreme Court you have to call, you'd have to find out with Second Judicial District Court because it's a 2JDC case. The original always gets filed w/ them. The only thing we send the Supreme Court is a certificate stating the transcripts have been completed :)

—
Best regards,

Mia Mezzetti-Omler
momler@veritext.com

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momler@veritext.com
www.litigationervices.com
www.veritext.com

We'd love your feedback! Please take our [SURVEY](#) - Thank you!



On April 12, 2024 at 12:29 PM PDT april@peterjameslaw.com wrote:

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We do, but I am not sure that we are allowed to file them based upon the rules.

I can call the Supreme Court and see if they would allow us to do that, but they may not be able to answer my question (depending if the clerk takes it as we are asking for legal advise).

I will let you know what I can find out.

Thank you,

April Schultz, Legal Assistant



3821 West Charleston Blvd., Suite 250

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www.PeterJamesLaw.com

From: momler@veritext.com <calendar-litnv@veritext.com>

Sent: Friday, April 12, 2024 11:03 AM

To: april peterjameslaw.com <april@peterjameslaw.com>

Subject: Re: Townley v. Mezzano Transcripts

April, does your Firm have an e-flex account with Second Judicial District Court? The Department, Department 13 themselves won't file them

—
Best regards,

Mia Mezzetti-Omler

momler@veritext.com

LITIGATION SERVICES, a Veritext Company

151 Country Estates Cr.

Reno, NV 89511

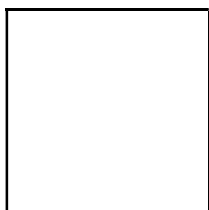
P 775.323.3411

momler@veritext.com

www.litigationservices.com

www.veritext.com

We'd love your feedback! Please take our [SURVEY](#) - Thank you!



On April 11, 2024 at 2:25 PM PDT april@peterjameslaw.com wrote:

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Of course!

I have uploaded them to
dropbox: <https://www.dropbox.com/scl/fo/kyt7hi8hyilv7v8criu5p/AC9pFwmjQShHNRy5MFdyTYQ?rlkey=qmwcaz4ejmh2fyp9uhfmfqx9y&dl=0>

Please let me know if you have any trouble opening this.

Thank you,

April Schultz, Legal Assistant



3821 West Charleston Blvd., Suite 250

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From: momler@veritext.com <calendar-litnv@veritext.com>

Sent: Thursday, April 11, 2024 10:43 AM

To: april peterjameslaw.com <april@peterjameslaw.com>

Subject: Re: Townley v. Mezzano Transcripts

April, would you mind forwarding me all the files that were sent to you?

—

Best regards,

Mia Mezzetti-Omler

momler@veritext.com

LITIGATION SERVICES, a Veritext Company

151 Country Estates Cr.

Reno, NV 89511

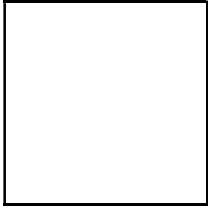
P 775.323.3411

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www.veritext.com

We'd love your feedback! Please take our [SURVEY](#) - Thank you!



On March 29, 2024 at 2:30 PM PDT april@peterjameslaw.com wrote:

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good afternoon!

Our office received a bill in the above-entitled matter.

Our client is requesting that the transcripts be directly billed to her so that she can remit payment.

On another note, I do have a question as to how the transcripts have been provided.

Normally, the transcriber provides them directly to the Court so that they can be filed and added to the case record.

They were just sent for us to download directly.

Is that something that can be done?

Thank you,

April Schultz, Legal Assistant



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