

SUPREME COURT OF NEVADA

Wilmington Tr., N.A. v. Fort Apache Homes, Inc.

Wilmington Tr. · No. 82653 · Decided April 29, 2022

SUMMARY

This document is a Nevada Supreme Court combined case view for an appeal involving Wilmington Trust, N.A., Fort Apache Homes, Inc., Absolute Collection Services, and Via Valencia/Via Ventura Homeowners Association. The court dismissed the appeal by order filed April 29, 2022, after directing the appellant to show cause why the appeal should not be dismissed for lack of jurisdiction.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Mark Gibbons, Senior Justice
JURISDICTION	Nevada
DECIDED	April 29, 2022
DOCKET	82653
DISPOSITION	dismissed
PROCEDURAL POSTURE	Wilmington Trust, N.A. appealed from proceedings in the Eighth Judicial District Court of Clark County. The Nevada Supreme Court ordered the appellant to show cause why the appeal should not be dismissed for lack of jurisdiction and then dismissed the appeal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Wilmington Trust, N.A. v. Absolute Collection Services, Fort Apache Homes, Inc., Via Valencia/Via Ventura Homeowners Association

TOPICS

appellate jurisdiction

appellate procedure

civil procedure

real estate

PRACTICE AREAS

appellate procedure

civil procedure

real estate

QUESTIONS PRESENTED

1. Whether the Nevada Supreme Court had appellate jurisdiction over the appeal.

KEY QUOTATIONS

“ORDER this appeal DISMISSED.”

FACTUAL BACKGROUND

The available document is a docket record and dispositional order rather than a substantive opinion. The record identifies an appeal involving Wilmington Trust, Fort Apache Homes, Absolute Collection Services, and the Via Valencia/Via Ventura Homeowners Association, but does not provide the underlying factual allegations or merits analysis.

PROCEDURAL HISTORY

The appeal was docketed in the Supreme Court of Nevada on March 23, 2021, from Clark County Eighth Judicial District Court case A706782. After briefing was completed, the court issued an order to show cause concerning appellate jurisdiction. On April 29, 2022, the court dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

82653: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 22-13623: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 82653 Short Caption:WILMINGTON TR., N.A. VS. FORT APACHE HOMES, INC.Court:Supreme Court Related Case(s):78390 Lower Court Case(s):Clark Co. - Eighth Judicial District - A706782Classification:Civil Appeal - General - Other Disqualifications:CadishCase Status:Disposition Filed Replacement:Justice Hardesty for Justice StiglichPanel Assigned: Panel To SP/Judge:SP Status:Exempt Oral Argument:Oral Argument Location: Submission Date:How Submitted: + Party Information RoleParty NameRepresented By AppellantWilmington Trust, N.A.Aaron D. Lancaster (Troutman Pepper Hamilton Sanders LLP/Atlanta) Melanie D. Morgan (Former) (Akerman LLP/Las Vegas) Ariel E. Stern (Former) (Akerman LLP/Las Vegas) Brody R. Wight (Troutman Pepper Hamilton Sanders LLP/Las Vegas) Donna M. Wittig (Former) (Akerman

LLP/Las Vegas) Lilith V. Xara (Former) (Akerman LLP/Las Vegas) RespondentAbsolute Collection ServicesShane D. Cox (Bighorn Law/Las Vegas) RespondentFort Apache Homes, Inc.Luis A. Ayon (Ayon Law, PLLC) Steven H. Burke (Law Office of Steven H. Burke, D/B/A The 808 Firm) Karen L. Hanks (Hanks Law Group) Christopher V. Yergensen (Former) (Black & Wadhams) RespondentVia Valencia/Via Ventura Homeowners AssociationAshlie L. Surur (Surur Law Group) + Due Items Due DateStatusDue ItemDue From 05/24/2022OpenRemittitur Docket Entries DateTypeDescriptionPending?Document 03/23/2021Filing FeeFiling Fee Paid. \$250.00 from Akerman LLP. Check no. 26001759.

(SC) 03/23/2021Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.) (SC)21-08322 03/23/2021OtherJustice Elissa Cadish disqualified from participation in this matter. Disqualification Reason: Sat in District Court Proceedings. (SC) 03/23/2021Notice/OutgoingIssued Notice of Referral to Settlement Program.

This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. (SC)21-08326 03/24/2021Settlement NoticeIssued Notice: Exemption from Settlement Program. It has been determined that this appeal will not be assigned to the settlement program. Appellant:14 days transcript request form; 120 days opening brief.

(SC)21-08377 03/25/2021Transcript RequestFiled Certificate that No Transcript is Requested. (SC)21-08631 03/29/2021Docketing StatementFiled Appellant's Civil Docketing Statement. (SC)21-09036 05/20/2021Notice/IncomingFiled Respondent (Fort Apache Homes, Inc.) Notice of Appearance for Christopher Yergensen. (SC)21-14603 05/24/2021Order/ProceduralFiled Order.

Pursuant to the notice of appearance filed May 20, 2021, the clerk of this court shall add attorney Christopher V. Yergensen and the law firm of Black & Wadhams to the docket as counsel for respondent Fort Apache Homes, Inc., in this appeal. (SC)21-14772 07/22/2021Notice/IncomingFiled Notice of Appearance (Lilith Xara of the law firm of Akerman LLP as counsel for Appellant).

(SC)21-21165 07/22/2021MotionFiled Stipulation for Time Extension for Opening Brief. (SC)21-21215 07/28/2021Order/ProceduralFiled Order Approving Stipulation. Appellant shall have until August 23, 2021, to file and serve the opening brief and appendix. (SC)21-21803 08/19/2021Notice/IncomingFiled Substitution of Attorneys (Karen L. Hanks with the firm Messner Reeves, LLP, in place of Christopher V. Yergensen with the firm Black & Wadhams as counsel for Respondent Fort Apache Homes, Inc.).

(SC)21-24199	08/19/2021BriefFiled	Appellant's	Opening	Brief.	(SC)21-24277
08/19/2021AppendixFiled	Appellant's	Appendix	-	Volume I.	(SC)21-24278
08/19/2021AppendixFiled	Appellant's	Appendix	-	Volume II.	(SC)21-24279

08/19/2021AppendixFiled Appellant's Appendix - Volume III. (SC)21-24280
08/19/2021AppendixFiled Appellant's Appendix - Volume IV. (SC)21-24281
08/19/2021AppendixFiled Appellant's Appendix - Volume V. (SC)21-24283
08/19/2021AppendixFiled Appellant's Appendix - Volume VI.

(SC)21-24284 08/19/2021AppendixFiled Appellant's Appendix - Volume VII. (SC)21-24285
08/23/2021Order/ProceduralFiled Order. Pursuant to the substitution of counsel filed on August 19, 2021, the clerk of this court shall remove Christopher V. Yergensen and the law firm of Black & Wadhams from the docket in this appeal and shall replace them with Karen L. Hanks and the law firm of Messner Reeves, LLP, as counsel for respondent Fort Apache Homes, Inc. (SC)21-24500 09/08/2021Order/Clerk'sFiled Order Granting Extension Per Telephonic Request.

Respondent Fort Apache Homes, Inc's answering brief due: October 4, 2021. (SC)21-26013
09/08/2021Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Respondent Via Valencia/Via Ventura Homeowners Association's answering brief due: October 4, 2021. (SC)21-26074 10/04/2021MotionFiled Respondent Via Valencia/Via Ventura Homeowners Association's Motion to Extend Time for Answering Brief (Second Request).

(SC)21-28445 10/04/2021BriefFiled Respondent Fort Apache Homes, Inc.'s Answering Brief.
(SC)21-28449 10/11/2021MotionFiled Appellant's Opposition to Via Valencia/Via Ventura Homeowners Association's Motion to Extend Time for Answering Brief. (Second Request).
(SC)21-29177 10/18/2021Order/ProceduralFiled Order Granting Motion. Via Valencia/Via Ventura Homeowners Association shall have until October 25, 2021, to file and serve the answering brief.

(SC)21-29830 10/26/2021MotionFiled Respondent's (Via Valencia/Via Ventura Homeowners Association) Motion To Extend Time For Answering Brief. (Third Request)(SC)21-30940
11/05/2021Order/ProceduralFiled Order Denying Motion. Respondent Via Valencia/Via Ventura Homeowners Association has filed a motion for a third extension of time, until November 1, 2021, to file the answering brief.

The motion is denied because Via/Valencia did not file an answering brief by the requested extended deadline. (SC)21-31851 11/23/2021Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Appellant's reply brief due: December 20, 2021. (SC)21-33675
12/01/2021MotionFiled Akerman LLP's Motion to Withdraw as Counsel. (SC)21-34243
12/20/2021Notice/IncomingFiled Notice of Appearance.

(SC)21-36195 12/20/2021BriefFiled Appellant's Reply Brief. (SC)21-36196
12/28/2021Order/ProceduralFiled Order. The clerk of this court shall remove attorneys Ariel Stern, Melanie D. Morgan, Donna M. Wittig, Lilith V. Xara, and the law firm of Akerman LLP from the docket as counsel for appellant.

The clerk of this court shall add Aaron D. Lancaster, Esq. of the law firm of Troutman Pepper from Atlanta, Georgia to the docket as counsel for appellant. The clerk shall also list attorney Gary E. Schnitzer of the law firm of Kravitz Schnitzer Johnson Watson & Zeppenfeld, Chtd., in Las Vegas as a designated attorney for service of papers and pleadings in this appeal.

The reply brief was filed on December 20, 2021. (SC)21-36863 12/28/2021Case Status UpdateBriefing Completed/To Screening. (SC) 03/21/2022Order/ProceduralFiled Order to Show Cause. Appellant shall have 7 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondents may file any reply within 7 days from the date that appellants' response is served.

(SC)22-08776 03/22/2022MotionFiled Appellant's Response to the Motion to Show Cause Filed March 21, 2022. (SC)22-09041 03/23/2022Notice/IncomingFiled Appellant's Notice of Appearance for Brody Wight. (SC)22-09141 03/29/2022MotionFiled Respondent Fort Apache Homes, Inc.'s Reply to Order to Show Cause and Motion for Attorneys Fees. (SC)22-09707 03/29/2022Notice/IncomingFiled Respondent Via Valencia/Via Ventura Homeowners Association's Limited Joinder To Respondent Fort Apache Homes, Inc.'s Reply To Order To Show Cause.

(SC)22-09790 04/29/2022Order/DispositionalFiled Order Dismissing Appeal. "ORDER this appeal DISMISSED." fn1[The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.] RP/JH/MG (SC)22-13623 Combined Case View