

SUPREME COURT OF NEVADA

Smith v. Zilverberg

Smith, 2021 NV 7 (Nev. 2021) · No. 80154, consolidated with 80348 · Decided March 4, 2021

SUMMARY

This document concerns a consolidated civil appeal in the Supreme Court of Nevada involving Jason T. Smith, Katy Zilverberg, and Victoria Eagan. The court issued an authored opinion on March 4, 2021, affirming the district court’s judgment.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Cadish, J.; Hardesty; Parraguirre; Cadish
JURISDICTION	Nevada
DECIDED	March 4, 2021
DOCKET	80154, consolidated with 80348
DISPOSITION	affirmed
PROCEDURAL POSTURE	Civil appeal from the Eighth Judicial District Court of Clark County, Nevada; the appeals in docket numbers 80154 and 80348 were consolidated and the judgment was affirmed.
PRECEDENTIAL VALUE	published
PARTIES	Jason T. Smith v. Katy Zilverberg, Victoria Eagan

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure

PROCEDURAL HISTORY

Jason T. Smith appealed from proceedings in the Eighth Judicial District Court, Clark County, case number A798171. The Nevada Supreme Court consolidated the appeals, held oral argument on December 16, 2020, and issued an opinion affirming on March 4, 2021. Remittitur issued on March 29, 2021.

DISPOSITION

affirmed

OPINION

PER CURIAM.

80154: 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 21-06305: 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: 80154 Short Caption:SMITH VS. ZILVERBERG C/W 80348Court:Supreme Court Consolidated:80154*, 80348Related Case(s):80348 Lower Court Case(s):Clark Co. - Eighth Judicial District - A798171Classification:Civil Appeal - General - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: Panel To SP/Judge:12/16/2019 / Turner, WilliamSP Status:Completed Oral Argument:12/16/2020 at 10:00 AMOral Argument Location:Carson City Submission Date:12/16/2020How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantJason T. SmithBrian W. Boschee (Former) (Holley Driggs/Las Vegas) Gus W. Flangas (Flangas Dalacas Law Group, Inc.)

Kimberly P. Stein (Flangas Dalacas Law Group, Inc.) RespondentKaty ZilverbergMargaret A. McLetchie (McLetchie Law) Alina M. Shell (McLetchie Law) Leo S. Wolpert (McLetchie Law) RespondentVictoria EaganMargaret A. McLetchie (McLetchie Law) Alina M. Shell (McLetchie Law) Leo S. Wolpert (McLetchie Law) Docket Entries DateTypeDescriptionPending?Document 12/05/2019Filing FeeFiling Fee due for Appeal.

(SC) 12/05/2019Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (SC)19-49335 12/05/2019Notice/OutgoingIssued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days. (SC)19-49337 12/10/2019Filing FeeFiling Fee Paid. \$250.00 from Holley Driggs Walch Fine.

Check no. 8667. (SC) 12/10/2019Notice/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. Docketing Statement mailed to counsel for appellant - due:

21 days. (SC).19-49986 12/13/2019Docketing StatementFiled Docketing Statement. (SC)19-50575 12/16/2019Settlement NoticeIssued Notice: Assignment to Settlement Program.

Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Williams C. Turner. (SC)19-50801 01/16/2020Settlement Program ReportFiled ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference is scheduled for: Place and time to be determined. Case Nos. 80154/80348. (SC)20-02238 01/16/2020MotionFiled Appellant's Motion to Consolidate.

Nos. 80154/80348. (SC).20-02275 01/16/2020Notice/OutgoingIssued Notice to Provide Proof of Service on Settlement Judge (Appellant's Motion to Consolidate). (SC).20-02349 01/17/2020Notice/IncomingFiled Proof of Service Re: Motion to Consolidate Appeals - Served on Settlement Judge William Turner. (SC)20-02387 01/23/2020MotionFiled Respondents' Opposition to Motion to Consolidate Appeals.

Nos. 80154/80348. (SC)20-03326 01/24/2020Settlement Program ReportFiled Interim Settlement Program Report. The settlement conference is continued to the following date: January 30, 2020, at 10:00 AM. Case Nos. 80154/80348. (SC)20-03530 01/28/2020Notice/IncomingFiled Substitution of Attorneys.

The Law Firm of Flangas Dalacas Law Group substituting in place and stead of Holley Driggs Walch Fine Puzey Stein & Thompson. Kimberly Stein is now with the Law Firm of Flangas Dalacas Law Group. (SC)20-03904 01/28/2020MotionFiled Appellant's Reply Re: Motion to Consolidate Appeals. (SC)20-03918 02/03/2020Settlement Program ReportFiled Final Report/No Settlement.

The parties were unable to agree to a settlement of this matter. Case Nos. 80154/80348. (SC)20-04637 02/03/2020MotionFiled Respondents' Motion to Expedite Appeal. (SC)20-04713 02/10/2020MotionFiled Appellant's Opposition to Motion to Expedite Appeal. (SC)20-05482 02/11/2020Settlement Order/ProceduralFiled Order: No Settlement/Briefing Reinstated.

The parties were unable to agree to a settlement. Appellant(s): 14 days transcript request; 90 days opening brief and appendix. The court defers ruling on the motion to consolidate and the motion to expedite pending further review. (SC)20-05733 02/18/2020MotionFiled Respondent's Reply in Support of Motion to Expedite Appeal. (SC)20-06544 02/25/2020Transcript RequestFiled Request for Transcript of Proceedings.

Transcripts requested: 10/03/19, 11/21/19. To Court Reporter: Bill Nelson. (SC).20-07490 02/27/2020Order/ProceduralFiled Order Regarding Motions. Appellant has moved to consolidate the appeals. The clerk of this court shall consolidate these appeals for all appellate purposes. Appellant's Opening Brief and Appendix due: May 11, 2020. Respondents' opposed motion filed in Docket No. 80154 to expedite the appeal is granted to the following extent.

Respondents may shorten the briefing period by filing their answering brief in advance of the deadline. See NRAP 31(a)(1)(C). Any requests for extensions of time to file briefs will be closely scrutinized. Once briefing is completed, disposition of the appeal will be expedited to the extent permitted by this court's docket. Nos. 80154/80348. (SC).20-07855 05/11/2020BriefFiled Appellant's Opening Brief.

Nos. 80154/80348. (SC)20-17872 05/11/2020AppendixFiled Joint Appendix to Opening Brief-Volume 1. (REJECTED PER 5/12/20 NOTICE). Nos. 80154/80348. (SC). 05/12/2020Notice/OutgoingIssued Notice of Deficient Appendix. Corrected appendix due: 5 days. Nos. 80154/80348. (SC).20-18015 05/12/2020AppendixFiled Joint Appendix to Opening Brief-Volume 1. Nos. 80154/80348.

(SC).20-18087 05/12/2020AppendixFiled Joint Appendix to Opening Brief-Volume 2. Nos. 80154/80348. (SC).20-18088 05/12/2020AppendixFiled Joint Appendix to Opening Brief-Volume 3. Nos. 80154/80348. (SC).20-18089 05/12/2020AppendixFiled Joint Appendix to Opening Brief-Volume 4. Nos. 80154/80348. (SC).20-18090 06/10/2020Order/Clerk'sFiled Order Granting Telephonic Extension.

Respondent's Answering Brief due: June 24, 2020. Nos. 80154/80348. (SC)20-21757 06/19/2020BriefFiled Respondents' Answering Brief. Nos. 80154/80348. (SC)20-22969 07/16/2020Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Appellant's Reply Brief due: August 3, 2020. Nos. 80154/80348. (SC).20-26113 08/03/2020BriefFiled Appellant's Reply Brief.

Nos. 80154/80348 (SC)20-28231 08/03/2020Case Status UpdateBriefing Completed/To Screening. Nos 80154/80348. (SC) 11/10/2020Order/ProceduralFiled Order Scheduling Oral Argument. This court has determined that oral argument may be of assistance in resolving this matter.

Accordingly, this matter is scheduled for oral argument on December 16, 2020, at 10:00 a.m. The argument will be videoconferenced. The argument shall be limited to 30 minutes. Within 14 days of the date of this order, the parties shall submit to the Clerk of the Court a notice identifying the attorney(s) who will argue the case and the phone number and email address of the attorney(s).

The notice may be emailed to the court at nvscclerk@nvcourts.nv.gov. The attorneys will be required to schedule a session with the Clerk of the Court to test capabilities of the connection and video equipment approximately one week prior to argument. Nos. 80154/80848 (SC).20-41048 11/24/2020Notice/IncomingFiled Respondents' Notice of Appearance for Oral Argument.

(SC)20-42763 12/02/2020Notice/OutgoingIssued Oral Argument Reminder Notice. (SC)20-43583 12/16/2020Case Status UpdateOral argument held this day. Case submitted for decision. Before

the Northern Nevada Panel. 80154. (NNP20-RP/JH/EC) (SC).
03/04/2021Opinion/DispositionalFiled Authored Opinion. "Affirmed."

Before: Hardesty/Parraguirre/Cadish. Author: Cadish, J. Majority: Hardesty/Parraguirre/Cadish.
137 Nev. Adv. Opn. No. 7. NNP20-JH/RP/EC. Nos. 80154/80348. (SC).21-06305
03/29/2021RemittiturIssued Remittitur. (SC)21-08863 03/29/2021Case Status UpdateRemittitur
Issued/Case Closed. (SC) 04/09/2021RemittiturFiled Remittitur. Received by District Court Clerk
on March 31, 2021.

Nos. 80154/80348. (SC)21-08863 Combined Case View