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Electronically Filed
Jul 31 2012 09:28 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CALDERON STIPP,

Appellant/Cross-Respondent,

vs.

Supreme Court Case No.: 57327

MITCHELL DAVID STIPP,

District Court Case No.: D-08-389203-Z

Respondent/Cross-Appellant.

MOTION FOR EXTENSION OF TIME TO FILE AMICUS CURIAE BRIEF

The State Bar of Nevada, Family Law Section, through its Committee Chairperson, Sarah Hardy-Cooper, Esq., hereby requests this Court to extend the time for filing of its Amicus Curiae Brief as outlined herein. This Motion is filed pursuant to Nevada Rule of Appellate Procedure 29.

This Motion is based upon the attached Points and Authorities, attached affidavit, and all other papers and pleadings on file herein.

DATED this 30th day of July, 2012.

STATE BAR OF NEVADA,
FAMILY LAW SECTION

/s/ Sarah Hardy-Cooper
Sarah Hardy-Cooper, Esq.
NV Bar No. 7736
Routsis Hardy-Cooper
571 California Avenue
Reno, NV 89509
(775) 785-9116
Amicus Curiae

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POINTS AND AUTHORITIES

I.

DISCUSSION

An amicus brief must be filed no later than 7 days after the brief of the party being supported is filed or if the brief does not support either party, within 7 days after the appellant's opening brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer. NRCP 29(f).

In this case, the State Bar of Nevada, Family Law Section (hereinafter "FLS") is requesting a continuance to file its amicus brief for six (6) weeks or until (September 17, 2012) based on the following reasons.

At the outset, the FLS asks this Court's forgiveness for not initially filing a timely request for an extension of time in which to file an amicus brief in this matter. There was some initial delay in assigning this matter and forming a committee to address it. The matter was assigned and pleadings provided to the Committee chair in late June. Since then, a committee has been formed and research has begun to attempt to ascertain the FLS's position regarding whether this court's decision in Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009), should be revisited or clarified related to how a day is calculated under the Rivero timeshare analysis. Part of this research includes a polling of judicial officers and FLS members throughout the state as well as a survey of the approach taken by other states where the number of a parent's custodial days is relevant to other legal standards such as child support and custody modifications. The FLS feels that it is vital to gauge the impact and application of Rivero across the state in order to comment on whether clarification may be appropriate. With the summer rush, it has taken more time than expected to gather this information.

In addition to gathering this research, the FLS needs time to circulate the brief to its members for review and comment. The FLS believes it will take

1 approximately six weeks from the date of the filing of this Motion to file a
2 meaningful amicus brief. The FLS is committed to meeting the new deadline, if
3 granted, and believes that it will do so because it has already completed a
4 significant portion of the research necessary to complete the amicus brief in the
5 time requested. The FLS recognizes that it is imperative to move forward on this
6 child custody matter and acknowledges that it has already been granted one
7 extension of time. Nevertheless, the FLS believes this issue is important and
8 absolutely would like to offer comment making another continuance necessary to
9 file a thorough amicus brief in this case.

10 This Motion is made in good faith and not for the purpose of harassment or
11 delay.

12 **Affirmation pursuant to NRS 239B.030.** The undersigned affirms that
13 the preceding document does not contain the social security number of any person

14 DATED this 30th day of July, 2012.

15 STATE BAR OF NEVADA,
16 FAMILY LAW SECTION

17 /s/ Sarah Hardy-Cooper
18 Sarah Hardy-Cooper, Esq.
19 NV Bar No. 7736
20 Routsis Hardy-Cooper
21 571 California Avenue
22 Reno, NV 89509
23 (775) 785-9116
24 *Amicus Curiae*
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AFFIDAVIT OF SARAH HARDY-COOPER, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

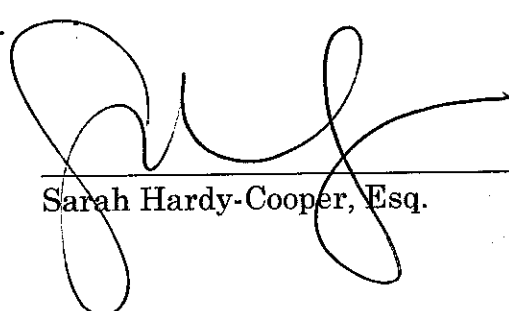
I, Sarah Hardy-Cooper, being first duly sworn upon oath, states as follows:

1. I am a member of the Executive Council of the State Bar of Nevada, Family Law Section. I am one of the attorneys responsible for preparing an Amicus Curiae Brief on behalf of the State Bar of Nevada, Family Law Section in this appeal.

2. I have prepared and read the attached motion and know the contents thereof, that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief and, as to those matter, I believe them to be true.

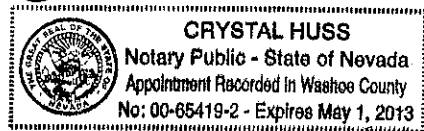
3. I further submit that this Motion is filed in good faith, and not intended for the purpose of harassment or to cause an undue delay in this matter.

DATED this 30th day of July, 2012.



Sarah Hardy-Cooper, Esq.

SUBSCRIBED AND SWORN to before
me this 30 day of July, 2012.



Crystal Huss

Notary Public

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571 California Avenue, Reno Nevada 89509
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RHC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Routsis Hardy-Cooper, over the age of 18, and that on the date set forth below, I served a true copy of:

MOTION FOR EXTENSION OF TIME TO FILE AMICUS CURIAE BRIEF

on the party(ies) below by:

- XX Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada.
- _____ Personal Delivery.
- _____ Facsimile to the following number: (775) _____.
- _____ Federal Express or other overnight delivery.
- _____ Bootleg Courier Co. or other courier.
- _____ Certified Mail, Return Receipt Requested.
- XX Electronic Service via ECF System.

addressed to:

| | |
|--|--|
| Electronic Service Patricia L. Vaccarino, Esq. Vaccarino Law Office 8861 W. Sahara Avenue, Ste. 210 Las Vegas, NV 89117 <i>Attorney for Appellant/Cross-Respondent</i> | Electronic Service Radford J. Smith, Esq. Radford J. Smith, Chartered 64 N. Pecos Road, Ste. 700 Henderson, NV 89074 <i>Attorneys for Respondent/Cross-Appellant</i> |
| Electronic Service Mitchell D. Stipp, Esq. 7 Morning Sky Lane Las Vegas, NV 89135 <i>Attorneys for Respondent/Cross-Appellant</i> | United States Mail Robert Cerceo, Esq. The Abrams Law Firm 6525 S. Rainbow Boulevard, Ste. 100 Las Vegas, NV 89118 <i>Chair, Family Law Section, State Bar of Nevada</i> |

DATED this 30th day of July, 2012.

/s/ Crystal Huss
Crystal Huss