

IN THE SUPREME COURT OF THE STATE OF NEVADA

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KIRK ROSS HARRISON,

Appellant/Cross-
Respondent

vs.

VIVIAN MARIE LEE HARRISON,

Respondent/Cross-
Appellant.

Electronically Filed
Jun 01 2015 01:36 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
NO. 66157

**RENEWED MOTION FOR PERMISSION TO FILE REPLY TO FAST
TRACK RESPONSE, AND TO FILE SUPPLEMENTAL APPENDIX¹**

Appellant, Kirk Ross Harrison (Kirk), hereby moves for permission to file a reply to the fast track response filed by respondent, Vivian Marie Harrison (Vivian), and for permission to file a supplemental appendix with the reply.

This appeal is in the child custody fast track program, pursuant to NRAP 3E. Respondent filed her fast track response and her respondent's appendix on May 6, 2015. The response contains extensive discussions of a report from psychiatrist Dr.

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Appellant previously filed this motion on May 13, 2015. On May 20, 2015, the court entered an order directing respondent to take action regarding her cross-appeal. The order denied the present motion, without prejudice to appellant's right to renew this motion after respondent complied with the court's directive. Respondent has now complied with the order by filing a motion to dismiss her cross-appeal. Accordingly, appellant is hereby filing this renewed motion for permission to file a reply to respondent's fast track response. This motion is identical to the motion filed on May 13, 2015 (except for the title of the motion and the addition of this footnote).

Norton Roitman. (Response pp. 2, 16) The report, which the response attacks, was never mentioned or discussed in Kirk's fast track statement.² The response contends that Kirk drafted Dr. Roitman's report, and that such drafting was improper and unethical for both Dr. Roitman and Kirk. (*Id.*) The response contains other attacks on Dr. Roitman and his June 9, 2011 report. Respondent filed a response appendix containing documents that allegedly support respondent's contentions on these issues. Rule 3E does not provide for a reply to a child custody fast track response. This court may grant permission for such a reply. See NRAP 2.

To the extent that there is any relevance to Kirk's alleged drafting of Dr. Roitman's June 9, 2011 report, or to the other attacks in Vivian's response, the documents in the appendices now on file are incomplete, giving only a one-sided view of the facts relating to these issues. Moreover, although Kirk's fast track statement discussed one of Dr. Roitman's reports, the fast track statement did not discuss the other report that Vivian now attacks in her response. Vivian's contention in the response regarding the other report constitutes an attack that was not reasonably foreseeable in Kirk's fast track statement.

There are additional district court records that would provide this court with more complete and accurate facts relating to Dr. Roitman's other report that Vivian now attacks. These documents consist of portions of Kirk's opposition, counter-motion, and reply papers dealing with attorneys' fees. These documents are explained in appellant's proposed reply.

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Dr. Roitman prepared two reports. The only one mentioned in Kirk's fast track statement was dated January 14, 2014. 6A.App.1299-1311. The report attacked in Vivian's response, which was never mentioned in Kirk's fast track statement, was dated June 9, 2011. 2A.App.222-257.

Fundamental fairness dictates that Kirk should be given an opportunity to reply to Vivian's attacks on a doctor's report that was never discussed in Kirk's fast track statement. Kirk respectfully contends that a short reply, with a limited supplemental appendix, will provide the court with more complete and accurate information for the court's determination of any issues relating to the other Dr. Roitman's report.

Accordingly, appellant requests permission to file the reply and a supplemental appendix, both of which are provided to the court concurrently with this motion.³

Dated: June 1, 2015

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The proposed appendix consists of only the relevant pages of the lengthy district court filings containing information on this issue. If the court wishes to see the full documents, appellant will certainly provide them to the court.

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CERTIFICATE OF SERVICE

I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date Appellant/Cross-Respondent's Renewed Motion for Permission to File Reply to Fast Track Response and to File Supplemental Appendix was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Edward L. Kainen
Thomas J. Standish
Radford J. Smith
Gary R. Silverman
Mary Anne Decaria
Kirk Harrison

DATED: 6/1/15

Margie Nuri