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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WESLEY ALLEN LEWIS, )  
Appellant; )  
vs. )  
MARIA DANIELA LEWIS, )  
Respondent. )  
\_\_\_\_\_ )

Electronically Filed  
Nov 03 2015 03:18 p.m.  
Tara K. Lindeman  
Supreme Court No. 66497  
District Court No. Clerk of Supreme Court

**MOTION FOR CLARIFICATION AND EXTENSION OF TIME**

COMES NOW, Respondent, MARIA DANIELA LEWIS, by and through her counsel, FRANCES-ANN FINE, ESQ., of The Fine & Price Law Group, and hereby seeks a clarification as to the status of Appellant's Appendix, Volumes I and II, and an extension of time to file the Answering Brief.

1. Respondent's Answering Brief is currently due November 12, 2015. Respondent is making this motion prior to the expiration of the deadline for the Answering Brief and is in compliance with NRAP 31(b)(3).

2. Respondent has made one other request for extension of time to file the Answering Brief, which resulted in the Court granting Respondent an extension of time to and including November 12, 2015 to file

1 Respondent's Answering Brief.

2           3.     During the course of drafting Respondent's Answering  
3 Brief it was discovered that Respondent has not been served with  
4 Appellant's Appendix, nor did the record reveal that Appellant's Appendix  
5 had in fact been filed. The online Appellate Case Management System  
6 reveals the filing on September 10, 2015 of both Appellant's Supplemental  
7 Appendix Volume I (consisting solely of the July 29, 2014 evidentiary  
8 hearing transcript) and Appellant's Supplemental Appendix Volume II  
9 (consisting solely of the August 5, 2014 evidentiary hearing transcript). It  
10 further revealed an entry on September 9, 2015 described as "Received  
11 Appendix to Opening Brief 1-2 (via E-Flex) (FILED PER ORDER  
12 9/10/15)." Yet, neither Appellant's Appendix Volume I nor Appellant's  
13 Appendix Volume II is reflected as having been filed.

14           4.     A review of the Replacement Opening Brief Of  
15 Appellant on file reveals repeated specific references to Appellant's  
16 Appendix, both Volumes I and II, when discussing various documents  
17 constituting the record in this case. Thus, it is clear that Appellant's  
18 Appendix Volume I and Appellant's Appendix Volume II exist. However,  
19 same apparently have not been filed and certainly has not been served upon  
20 Respondent's counsel.

21           5.     On October 28, 2015 a member of the undersigned  
22

1 counsel's staff spoke by telephone with a Deputy Clerk in the Office of the  
2 Clerk of Supreme Court in an effort to resolve the issues referenced above  
3 and obtain copies of both Appellant's Appendix Volume I and Appellant's  
4 Appendix Volume II. After an examination of the record by the Deputy  
5 Clerk and her supervisor, it was the Deputy Clerk's suggestion that  
6 Respondent's counsel file a "motion for clarification" to bring this matter to  
7 the Court's attention.

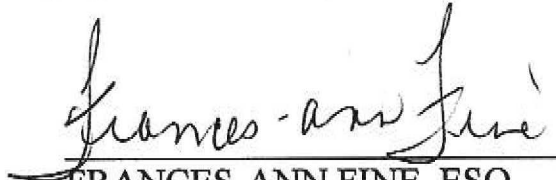
8           6. It is clear that a copy of Appellant's Appendix, Volumes  
9 I and II, is needed by Respondent for a variety of reasons. The first of which  
10 is to determine whether it is necessary to file a Respondent's Appendix and  
11 (if so) what documents to include therein. Appellant's Appendix is also  
12 necessary in order for Respondent to critique and respond to the  
13 Replacement Opening Brief Of Appellant and to set forth Respondent's  
14 arguments through the drafting and filing of Respondent's Answering Brief.

15           7. On October 29, 2015 a member of the undersigned  
16 counsel's staff sent an email to Appellant's counsel outlining all of the facts  
17 set forth above. This email inquired as to whether Appellant's counsel had  
18 in fact filed Appellant's Appendix and whether counsel had any official  
19 documentation of such filing. The email further suggested, depending upon  
20 the answer to these inquiries, that counsel for the parties "can work together  
21 to resolve this procedural issue". As of the drafting of this motion,

1 Appellant's counsel has not responded whatsoever to the October 29, 2015  
2 email.

3 WHEREFORE, in view of the foregoing, it is respectfully  
4 requested that the status of Appellant's Appendix Volume I and Appellant's  
5 Appendix Volume II be clarified and that same be served upon Respondent's  
6 counsel. It is further requested that Respondent be afforded an additional ten  
7 (10) days after such service to file Respondent's Answering Brief.

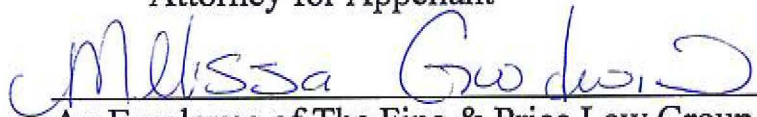
8 DATED this 3<sup>rd</sup> day of November, 2015.

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10   
11 FRANCES-ANN FINE, ESQ.  
12 Nevada Bar No. 0025  
13 THE FINE & PRICE LAW GROUP  
14 8975 South Pecos Road, Ste. 5  
15 Henderson, Nevada 89074  
16 Attorney for Respondent  
17 MARIA DANIELA LEWIS  
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1       **CERTIFICATE OF ELECTRONIC SERVICE AND MAILING**

2               THIS IS TO CERTIFY that on the 3 day of November, 2015,  
3 a copy of the foregoing MOTION FOR CLARIFICATION AND  
4 EXTENSION OF TIME was sent via electronic service through this Court's  
5 e-filing system and in a sealed envelope via U.S. Mail, postage fully prepaid,  
6 to the following:

7               Tami D. Cowden Esq.  
8               Greenberg Traurig, LLP  
9               Suite 400 North  
10              3773 Howard Hughes Parkway  
11              Las Vegas, Nevada 89169  
12              Attorney for Appellant

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An Employee of The Fine & Price Law Group