

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENELYN BAUTISTA) No.: 72713

Appellant)

vs.)

Electronically Filed
District Court No. : D-14-495928-P
Aug 07 2017 09:17 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JAMES PICONE) MOTION TO EXTEND DEADLINE

Respondent) FOR RESPONSE BRIEF

Respondent JAMES PICONE, by and through his attorney, Benjamin B.

Childs and pursuant to NRAP 27, respectfully submits Respondent's Motion to
Extend Deadline for filing the Fast Track Response.

1. RELEVANT PROCEDURAL HISTORY

Repondent's attorney filed his appearance in this case, in conjunction with
Nevada Legal Aid, on July 11, 2017 [all dates are in 2017]. Briefing was
reinstated on July 25, setting a deadline for the Fast Track Response on August 14.
For personal calendaring reasons [he's out of the country with family August 9
through August 16] Attorney Childs requested and obtained telephonic extension

1 to August 21 for the Fast Track Response.

2
3 Upon review of the Opening Brief filed May 22, it is noted that the
4 transcript of the September 16, 2016 hearing [the Transcript] was not included in
5 the appendix but had been requested and the appendix would be supplemented
6 upon receipt. [See Opening Brief pages 4 and 5] It is apparent that the
7 Transcript is critical for preparation of the Fast Track Response as the Transcript
8 is mentioned 5 times on the referenced pages of the Opening Brief.
9
10

11
12 The court reporter noted that it was completed on June 15 [Exhibit A].
13
14 However, the Appendix has not been supplemented with the Transcript as of
15 August 5, 2017 [Exhibit B, docket in this case].
16
17
18

19 2. MEMORANDUM OF POINTS AND AUTHORITIES

20
21 This Motion is made pursuant to NRAP 3E(f)(3), authorizing a written
22 motion for extension of time.
23
24
25
26
27

1 3. CONCLUSION

2 This Motion is not be controversial as Appellant's Opening Brief expressly
3
4 states that the Transcript will be provided in supplemental Appendix.
5

6 Respondent moves this Court to (1) Order Appellant to immediately
7
8 supplement the Appendix with the Transcript and serve same on attorney Childs
9 by email [or Dropbox if it is too big for email] and (2) extend the deadline for the
10
11 Fast Track Response to September 4 on the condition that the Transcript is
12
13 provided before August 21.
14

15 /s/ Benjamin B. Childs

16 _____
17 BENJAMIN B. CHILDS, ESQ.
18 Nevada Bar # 3946
19 Attorney for Respondent

20 Exhibits

- 21 A Court Reporter Notice of Completion June 15, 2017
22 B Docket printout for this appeal

23 CERTIFICATE OF SERVICE

24 This Motion, with Exhibits, is served through the Supreme Court Electronic
25 Filing System to Appellants's counsel, John Jones. Electronic service on Mr.
26 Jones is in lieu of mailing.
27

 /s/ Benjamin B. Childs

 BENJAMIN B. CHILDS, ESQ.
 Nevada Bar # 3946

EXHIBIT A

EXHIBIT A

CTNC

FILED

JUN 15 2017

Alvin L. Johnson
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT

FILED

FAMILY DIVISION

JUN 26 2017

CLARK COUNTY, NEVADA

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Sherry Justice*
DEPUTY CLERK

In the Matter of)	CASE NO. D-14-495928-P
the Petition by:)	DEPT. N
)	
JAMES PICONE,)	APPEAL NO. 72713
)	
Petitioner.)	SEALED
_____)	

CERTIFICATION OF TRANSCRIPTS

NOTIFICATION OF COMPLETION

The office of Transcript Video Services received a request for a transcript and one copy, for the purpose of appeal, from John D. Jones, Esq., on April 06, 2017, for the following proceedings in the above-captioned case:

SEPTEMBER 16, 2015

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on June 15, 2017, and ordering party was notified June 15, 2017.

DATED this 15th day of June, 2017.



TRANSCRIPT VIDEO SERVICES

Sherry Justice

17-21095

ROC

FILED
JUN 15 2017

Alvin L. Johnson
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

In the Matter of)	CASE NO. D-14-495928-P
the Petition by:)	DEPT. N
JAMES PICONE,)	APPEAL NO. 72713
Petitioner.)	SEALED

RECEIPT OF COPY

RECEIPT OF COPY of transcript and certification of the
September 16, 2015, hearing in the above-captioned case that
were filed June 14, 2017, for Pecos Law Group is acknowledged
this 16 day of June, 2017.

BY *[Signature]*
John D. Jones, Esq.
10777 W. Twain Ave., #300
Las Vegas, Nevada 89135



EXHIBIT B

EXHIBIT B

Appellate Case Management System

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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: 72713**

Short Caption:	BAUTISTA VS. PICONE (CHILD CUSTODY)	Classification:	Civil Appeal - Family Law - Fast Track Child Custody
Lower Court Case(s):	Clark Co. - Eighth Judicial District - D495928	Related Case(s):	72654
Disqualifications:		Case Status:	Fast Track Briefing Reinstated
Replacement:		Panel Assigned:	Panel
To SP/Judge:		SP Status:	Expedited
Oral Argument:		Oral Argument Location:	
Submission Date:		How Submitted:	

+ Party Information**+ Due Items****Docket Entries**

Date	Type	Description	Pending?	Document
04/03/2017	Filing Fee	Filing Fee due for Appeal.		
04/03/2017	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (SEALED)		
04/03/2017	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.		17-10904
04/03/2017	Notice/Outgoing	Issued Notice to File Case Appeal Statement/Civil. Due date: 10 days.		17-10906
04/11/2017	Filing Fee	Filing Fee Paid. \$250.00 from Black LoBello & Associates. Check No. 1090.		
04/11/2017	Notice/Outgoing	Issued Notice of Expedited Filing Deadlines/Child Custody. Transcript request due: 10 days. Fast Track Statement & Appendix due: 40 days.		17-12000

05/12/2017	Notice/Outgoing	Issued Notice to Request Transcripts. Due date: 10 days.	17-15908
05/22/2017	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Fast Track Statement due: 5 days.	17-16988
05/22/2017	Fast Track Brief	Filed Appellant's Child Custody Fast Track Statement.	17-17005
05/23/2017	Transcript Request	Filed Request for Transcript of Proceedings. Transcripts requested: 09/16/15. To Court Reporter: Transcript Video Services.	17-17239
05/23/2017	Transcript	Filed Court Reporter's Notice of Non Payment for Appeal Transcripts.	17-17240
05/31/2017	Order/Procedural	Filed Order To File Appendix and Regarding Pro Bono Counsel. Appellant has filed the fast track statement, but has not filed an appendix as required by NRAP 3E(d)(1), (4). Appendix due: 15 days. Respondent is proceeding in pro se. Having considered the documents transmitted by the district court and appellant's fast track statement, this court has determined that the appointment of pro bono counsel to represent respondent would assist this court in reviewing this appeal. We direct the clerk of this court to transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. Notice of Appearance due: 60 days. Briefing Suspended.	17-18087
06/01/2017	Appendix	Filed Appellant's Appendix Volume I of II.	17-18272
06/01/2017	Appendix	Filed Appellant's Appendix Volume II of II.	17-18274
06/01/2017	Notice/Incoming	Filed Proof of Service (Appellant's Appendix Volumes 1-2).	17-18330
06/19/2017	Appendix	Filed Appellant's Supplement to Appendix.	17-20231
06/19/2017	Notice/Incoming	Filed Proof of Service(Appellant's Supplement to Appendix).	17-20239
06/26/2017	Transcript	Filed Notice from Court Reporter. Sherry Justice stating that the requested transcripts were delivered. Dates of transcripts: 09/16/15.	17-21095
07/11/2017	Notice/Incoming	Filed Notice of Appearance (Benjamin Childs as counsel for the Respondent).	17-22881
07/25/2017	Order/Procedural	Filed Order Reinstating Briefing. Fast Track Response due: 20 days.	17-24622
08/03/2017	Order/Clerk's	Filed Order Granting Extension Per Telephonic Request. Fast Track Response due: August 21, 2017.	17-25841