

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

2 KIRK ROSS HARRISON,

3 Appellant,

4 v.

5 VIVIAN MARIE LEE HARRISON,

6 Respondent.

Electronically Filed
Dec 06 2017 11:53 a.m.

Elizabeth A. Brown

Supreme Court No. 72880
Clerk of Supreme Court
District Court Case No. D-11-443611-D

7 **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO FAST TRACK**
8 **STATEMENT AND APPENDIX (SECOND)**

9 Respondent hereby moves for a brief, one (1) week extension of time for filing the
10 Response to the Fast Track Statement and Appendix, thereby making it due on December
11 13, 2017. This is the second requested extension for the Response to the Fast Track
12 Statement and Appendix. The Response was previously due on November 22, 2017. On
13 November 21, Respondent filed a motion seeking an extension of time to December 6, 2017.
14 The Court has not yet entered an order granting the first request.

15 The attorneys for Respondent are working on the response brief. However,
16 Respondent's attorney's office, Radford J. Smith, Chartered ("the Firm") recently had to
17 undergo significant computer problems. The Firm uses the software "Time Matters" as it's
18 legal database. Time Matters crashed and needed to be updated. Due to the volume of data,
19 the update and the backup of Time Matters caused the Firm to be unable to work on the
20 cases for more than one week. The Firm was also faced with the Thanksgiving Holiday
21 during which time the Firm's computer programmers were not working. Due to these

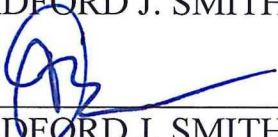
1 computer problems, the Firm is not able to meet the present deadline of December 6. *See*
2 Unsworn Declaration of Jon Matero attached herein as Exhibit "A."

3
4 By Motion filed on November 21, Respondent had also requested to expand the type-
5 volume limitation of her Response to the Fast Track Statement pursuant to NRAP 3E(d)(3).
6
7 The Court has not yet entered an Order adjudicating that motion.

8 For these reasons, Respondent requests a brief one (1) week extension. This motion
9 is being submitted in good faith, and without the intent to cause undue delay in the appeal.

10
11 Dated this 6th day of December 2017.

12 RADEFORD J. SMITH, CHARTERED

13
14 
15 RADEFORD J. SMITH, ESQ.
16 Nevada State Bar No. 002791
17 GARIMA VARSHNEY, ESQ.
18 Nevada State Bar No. 011878
19 2470 St. Rose Parkway, Suite 206
20 Henderson, Nevada 89074
21 *Attorney for Respondent*
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CERTIFICATE OF SERVICE

I certify that on the 6 day of December 2017 I served a copy of this Motion for Extension of Time to File Fast Track Statement and Appendix (Second) upon all counsel of record by mailing it by first class mail with sufficient postage prepaid to the following address:

ROBERT L. EISENBERG, ESQ.
Lemons, Grundy, & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519

KIRK HARRISON, ESQ.
112 Stone Canyon Road
Boulder City, Nevada 89005

DATED this 6 day of December 2017.



GARIMA VARSHNEY, ESQ.

1 **SWORN DECLARATION OF JON MATERO**

2 COUNTY OF CLARK)
3) ss:
4 STATE OF NEVADA)

5 I, JON MATERO, being duly sworn, deposes and says as follows:

6
7 1. I make this Declaration based upon facts within my own knowledge, save
8 and except as to matters alleged upon information and belief and, as to those matters, I
9 believe them to be true. I am competent to testify to the facts contained herein.
10

11 2. I am the Principal of Network Heroes. My company provides IT Services to
12 Radford J. Smith, Chartered ("the Firm").
13

14 3. The Firm recently had to undergo significant computer problems. The Firm
15 uses the software "Time Matters" as it's legal database. Time Matters crashed and the
16 only way to bring it back was to update the software. Before updating the software, we
17 needed to perform backup of the data. Due to the volume of the data, the backup of Time
18 Matters caused the Firm to be unable to work on the cases for more than one week. After
19 the backup, Time Matters required the software to be updated. The software update took
20 much longer than anticipated and was beyond the control of the Firm or my office. The
21 bulk of the update and backup was performed by Time Matters with the assistance from
22 my office.
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26 4. The Firm was also faced with the Thanksgiving Holiday during which time
27 our office were not working.
28

1 5. I declare under the penalty of perjury of the laws of the State of Nevada that
2 the foregoing is true and correct.
3

4 /s/ Jon Matero

5 JON MATERO

6 DATED: December 6, 2017
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