

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRK ROSS HARRISON,  
Appellant,  
vs.  
VIVIAN MARIE LEE HARRISON,  
Respondent.

No. 72880

**FILED**

MAR 23 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER TO SHOW CAUSE*

Appellant filed his fast track statement in this child custody fast track appeal on November 2, 2017. Respondent moved for, and was granted an extension of time, until December 15, 2017, to file and serve the fast track response. When respondent failed to file the fast track response, this court, on January 18, 2018, entered an order conditionally imposing sanctions against counsel for respondent, Radford Smith and Gary Silverman, and directing them to file the fast track response by January 29, 2018. Thereafter, counsel paid the monetary sanction imposed in the January 18, 2018, order, but failed to file the fast track response, or to otherwise communicate with this court. Counsel tendered the response on February 28, 2018, but it was returned, unfiled, by the clerk because it was untimely.

On February 27, 2018, appellant filed a motion for confession of error based on respondent's failure to file the fast track response. Respondent's counsel opposed the motion and filed a counter-motion for leave to file the response. The papers do not explain the reason for the unexcused delay in filing the fast track response. Because the appeal involves child custody and the response, though untimely, may assist the

court in resolving this appeal without further delay, the court directed the clerk to file the response and submit the appeal for decision. The issue of sanctions remains.

Mr. Smith and Mr. Silverman shall each have 15 days from the date of this order to file a response to this order explaining the reasons for their failure to file the fast track response, and demonstrating cause as to why they should not be required to pay additional monetary sanctions, and why they should not be referred to the State Bar for investigation for violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct).

It is so ORDERED.

*Douglas*, C.J.  
Douglas

*Pickering*, J.  
Pickering

*Hardesty*, J.  
Hardesty

cc: Kirk R. Harrison  
Lemons, Grundy & Eisenberg  
Silverman, Kattelman, Springgate  
Radford J. Smith, Chartered  
Radford Smith  
Gary Silverman