

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

Appellant has filed a motion for confession of error and for oral argument. Respondent opposes the motion and has filed a countermotion to allow the filing of an untimely fast track response. Appellant has filed a reply in support of his motion and respondent has filed a reply in support of her countermotion.

Appellant requests that this court treat respondent's failure to timely file her fast track response as a confession of error, citing NRAP 31(d)(2). Because this appeal involves matters pertaining to child custody, confession of error as a sanction is inappropriate. *See Blanco v. Blanco*, 129 Nev. 723, 730, 311 P.3d 1170, 1174 (2013) (stating that matters involving child custody must be decided on their merits). We also note that, since Brooke is over 18 and Rylee had not reached 14 when the motion giving rise to this appeal was filed, significant mootness and ripeness issues appear. For these reasons, we deny the motion to treat the failure to file the fast track response as a confession of error.


Appellant further requests that this appeal be decided without a fast track statement from respondent. *See* NRAP 3E(i). Although respondent's failure to timely file the fast track response has caused delay in the processing of this appeal, we conclude that the fast track response

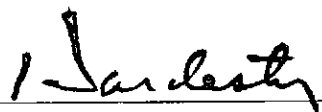
would be beneficial to this court's resolution of this appeal. Accordingly, appellant's request that this appeal be decided without a fast track response from respondent is denied, and respondent's countermotion to allow the late filing of the fast track response is granted.¹

The clerk of this court shall detach the proposed fast track response from the opposition and countermotion filed on March 6, 2018, and file it separately. This appeal shall be submitted for decision on the fast track statement, fast track response, and the documents on file in this appeal, including the fully-briefed motion to dismiss appeal that was previously denied without prejudice.²

It is so ORDERED.


_____, C.J.
Douglas


_____, J.
Pickering


_____, J.
Hardesty

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

¹Appellant's request to strike respondents opposition and countermotion is denied.

²Appellant's motion requesting oral argument is denied.