

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

2
3 GREG ELLIOT PELKOLA,

4 Appellant

5 v.

6 HEIDI MARIE PELKOLA,

7 Respondent.

S.C. Docket No. 80763
D-13-488682-D

Electronically Filed
Sep 22 2020 09:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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11 **MOTION FOR EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON**
12 **APPEAL**
13 **(First Request)**

14 Respondent, HEIDI MARIE PELKOLA, by and through her representative,
15 Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq. of Radford J. Smith, Chartered,
16 hereby moves for a one-week extension of time for filing the Fast Track Response on
17 Appeal (“Response”) to the Appellant’s Fast Track.

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19 The Response was due by September 22, 2020 pursuant to the Order Granting
20 Motion filed September 10, 2020 based upon the parties’ stipulation. This is the first
21 motion for extension for the Response, but the second request. The request is made in
22 good faith and not for purposes of delay. With a brief, one-week extension, the Response
23 would be due September 29, 2020.
24

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26 NRAP 31(b)(3) states in relevant part as follows:
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1 **(3) Motions for Extensions of Time.** A motion for extension of time for
2 filing a brief may be made no later than the due date for the brief and must
3 comply with the provisions of this Rule and Rule 27.

4 **(A) Contents of Motion.** A motion for extension of time for filing
5 a brief shall include the following:

- 6 (i) The date when the brief is due;
- 7 (ii) The number of extensions of time previously granted
8 (including a 5-day telephonic extension), and if extensions were
9 granted, the original date when the brief was due;
- 10 (iii) Whether any previous requests for extensions of time have
11 been denied or denied in part;
- 12 (iv) The reasons or grounds why an extension is necessary; and
- 13 (v) The length of the extension requested and the date on which
14 the brief would become due.

15 **(B) Motions in All Appeals Except Child Custody, Visitation, or**
16 **Capital Cases.** Applications for extensions of time beyond that to
17 which the parties are permitted to stipulate under Rule 31(b)(2) are
18 not favored. The court will grant an initial motion for extension of
19 time for filing a brief only upon a clear showing of good cause. The
20 court shall not grant additional extensions of time except upon a
21 showing of extraordinary circumstances and extreme need.

22 This case was originally filed in 2014. The parties engaged in extensive and
23 contentious litigation, though not made part of Appellant's Fast Track Statement or
24 Appendix. This case involves two issues, but the facts and law surrounding these issues
25 are particular and distinct. For example, Appellant addresses NRS 125C.006 and NRS
26 125C.007 in his appeal. Respondent believes the issue raises an issue of first impression
27 that requires additional research and analysis. Heidi's counsel continues to work diligently
28 on the Response, but due to the complexity of the case and its long history and the
necessity to prepare a separate appendix, it has required extensive time to conduct

1 research on the law involving this matter. As a result, the Response requires additional
2 time to complete, and Heidi requests one-additional week.
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4 Furthermore, counsel is completing three (3) trials this week, and previously
5 completed eight (8) days of trial in six (6) cases as a result of the COVID-19
6 Administrative Orders beginning in March 2020.
7

8 This motion follows, is made in good faith, and not for purposes of delay. Upon
9 information and belief, the children are currently in Ohio and the parties are following the
10 existing orders. Thus, the parties and minor children will not be prejudiced by the 1-week
11 extension.
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14 Though the Response is almost complete, counsel respectfully requests the
15 additional 1-week to finalize and electronically submit through the Supreme Court's
16 electronic filing system.
17

18 Dated this 22nd day of September 2020.

19 RADFORD J. SMITH, CHARTERED
20

21 /s/ Kimberly A. Stutzman
22 RADFORD J. SMITH, ESQ.
23 Nevada State Bar No. 002791
24 KIMBERLY A. STUTZMAN, ESQ.
25 Nevada State Bar No. 014085
26 2470 St. Rose Parkway, Suite 206
27 Henderson, Nevada 89074
28 *Attorneys for Respondent*

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of September 2020, I served a copy of this MOTION FOR EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON APPEAL (First Request) upon all counsel of record by the Nevada Supreme Court's electronic filing system:

Melvin Grimes, Esq.
Attorneys for Appellant, Michael Brannan

/s/ Kimberly A. Stutzman

An Employee of Radford J. Smith, Chartered