

IN THE SUPREME COURT FOR THE STATE OF NEVADA

Jeffrey Reed, Petitioner, vs. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, and the Department “H” District Court Judge Arthur T. Ritchie, Respondents, Alecia Reed nka Draper and Alicia Draper, as Conservator for Emily Reed, Real Parties in Interest.	Supreme Court #: 81581 District Court Case #: OSD538668 <div>Electronically Filed Aug 04 2020 08:46 p.m. Elizabeth A. Brown Clerk of Supreme Court</div>
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**OPPOSITION TO EMERGENCY MOTION PURSUANT TO NRAP 27 –
DATE OF EVIDENTIARY HEARING AT DISTRICT COURT AUG 6, 2020**

BRENNAN LAW FIRM, LLC

/s/ Elizabeth Brennan

Elizabeth Brennan, Esq.

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*Attorney for Plaintiff Emily Reed,
through her Conservator Alecia Draper*

Emily Reed (“Emily”), through her Conservator Alecia Draper (the “Conservator” or “Mom”), by and through her attorney, opposes the *Emergency Motion Pursuant to NRAP 27 – Date of Evidentiary Hearing At District Court August 6, 2020* (“Dad’s Supreme Court Motion”) filed by Jeffrey Reed (“Dad”) on the following grounds.

Contrary to Dad’s Supreme Court Motion, there are no due process rights of Dad being violated by the District Court Judge. Furthermore, Dad was not denied equal protection related to the designation of a rebuttal expert witness, as shown herein.

Emily would be **EXTREMELY PREJUDICED** by any stay of the evidentiary hearing which is set for August 6 and August 7 (erroneously stated to be August 6 and August 17 in Dad’s Supreme Court Motion). Emily is a 23-year old disabled girl with expenses averaging almost \$6,000 per month! Emily was repeatedly sexually molested for over 8 (eight) years as a minor after the parties divorced, all of which occurred during the time Emily was in the care, custody, and control of Dad. Dad’s roommate, who sexually molested Emily for over 8 years, is now in jail serving time for his horrendous crimes. Emily’s life has been destroyed by the 8 years of repeated sexual molestation!

Emily’s disability started when she was a minor and has continued into adulthood. Emily was first diagnosed with a disability pursuant to NAC 388.420 when she was in fifth (5th) grade. Thereafter, during the entirety of Emily’s schooling, Emily was always in the Special Education Program, with an Individualized Education Program. In fact, both Nevada and California diagnosed Emily as disabled requiring special educational needs as a minor! Unfortunately, Emily’s disabilities have progressed over the years. Emily’s current diagnosis is Dissociative Identity Disorder, Major Depressive Disorder, Recurrent, Severe without Psychosis; Chronic Post Traumatic Stress Disorder. Emily has attempted

suicide a large number of times, including when she was a minor. Emily has been in and out of treatment facilities. Emily has approximately 60 different personalities aka alters, making her life very challenging to say the least.

The request for child support for Emily under Nevada's Handicapped Child Statute, NRS 125B.110, has been pending since 2017. While awaiting the upcoming hearing for the last 4 years, Dad has failed to pay anything towards Emily's expenses, leaving Mom to shoulder the burden of almost 100% of Emily's expenses. In addition, Mom has spent a significant amount of money THIS WEEK getting Emily's expert witness and attorney prepared for trial.

There is **NO GOOD CAUSE** for a stay or continuance of the trial set to start 2 (two) days from now as shown by the following points:

- The deadline for Dad to disclose the identity of his rebuttal expert witness was December 26, 2019. **To date, Dad has failed to disclose the identity of any rebuttal expert witness!**
- The deadline for Dad to deliver a Rebuttal Expert Report was February 3, 2020. **To date, Dad has failed to deliver any rebuttal expert report!**
- The above deadlines for Dad's Rebuttal Expert Witness passed long before COVID became an issue. Dad's counsel NEVER contacted undersigned counsel prior to the deadline for expert disclosures and expert reports to request an extension. In addition, Dad's counsel did not file a motion requesting an extension of these expert deadlines until 2 (two) months AFTER the February 3, 2020 expert report deadline. Due solely to Dad's failure to comply with the Court ordered deadlines, this case is proceeding to trial in two days with only one expert witness, namely Dr. Love Farrell, Emily's treating psychiatrist and Plaintiff's expert witness. **Emily would be greatly prejudiced if Dad were allowed to continue the trial under these circumstances to obtain a rebuttal expert!**

- On March 31, 2020 during a phone conference with Judge Ritchie regarding the captioned matter, counsel for Dad orally requested an extension of discovery, which Judge Ritchie appropriately DENIED.
- **DISCOVERY CLOSED in this case on April 2, 2020.** Discovery had been open for several years now, since 2017! If Dad wanted to retain a rebuttal expert; get additional medical records/ other documents; or take depositions, Dad certainly had more than enough time to do so. Dad's failure to retain an expert and conduct additional discovery has NOTHING to do with COVID. NOTHING!
- On April 2, 2020, the date discovery closed, Dad filed a motion to extend discovery and requested an extension of the expert deadlines which had already passed two months earlier. See Dad's Notice of Motion and Motion to Extend Discovery Et Al filed on April 2, 2020 at 3:52 p.m. ("Dad's 1st Motion"). Emily filed an Opposition on April 17, 2020 at 12:09 p.m. ("Emily's Opposition") which is attached hereto as Exhibit 1 and incorporated herein by reference. **Curiously, Dad did not provide the Nevada Supreme Court with Emily's Opposition in his Appendix, probably because it shows the fatal flaws in Dad's position.** As shown in *Emily's Opposition*, there is no basis for a continuance of the trial, an extension of the expert deadlines or any other relief requested by Dad. On April 24, 2020, the Discovery Commissioner entered a minute order making it clear that the Judge, not the Discovery Commissioner, would need to decide how to proceed. Thereafter, Dad did NOTHING to get *Dad's 1st Motion* set for hearing before Judge Ritchie. NOTHING! It was incumbent upon Dad and/or his counsel to bring the matter to Judge Ritchie's attention in a timely fashion if Dad and/or his counsel wanted to proceed with his motion. Thereafter on the eve of trial, on July 31, 2020, Dad filed a second motion requesting an extension of the

discovery deadline; requesting an extension of the expert deadlines; and requesting a continuance of the trial. See Dad's Notice of Motion and Motion to Extend Discovery Et Al filed on July 31, 2020 at 12:47 p.m. (“Dad’s 2nd Motion”). Judge Ritchie DENIED Dad’s 2nd Motion on August 2, 2020. See Exhibit 2.

- Dad’s Writ filed with the Nevada Supreme Court on August 4, 2020 (“Dad’s Writ”) is based on the fact that the Court never formally ruled on Dad’s 1st Motion. However, it is clear that Dad’s Writ is nothing more than a delay tactic! A review of Dad’s 1st Motion and Dad’s 2nd Motion reveal that they are requesting the same relief. Since Judge Ritchie DENIED Dad’s 2nd Motion, Dad’s 1st Motion is now moot.
- A review of Dad’s Writ and Dad’s Supreme Court Motion reveal that Dad is really just making a THIRD attempt at a continuance, which Judge Ritchie already DENIED! All of the points set forth in *Emily’s Opposition to Dad’s 1st Motion* remain pertinent. Simply put, there is NO BASIS for the relief requested by Dad. As explained in Emily’s Opposition, ALL documents that Dr. Love Ferrell reviewed and relied upon in her reports have been produced. Furthermore, Dad has NEVER requested additional documents from Emily or Mom. Dad NEVER filed a discovery dispute conference and/or a motion to compel additional documents from Emily or Mom. In fact, to the contrary, it was Emily that had to file a Motion to Compel against Dad, which Motion was granted! And last but certainly not least, Dad has had two (2) HIPPA Releases signed by Emily, one dated September of 2017 (Bates # 001053) and another one dated July of 2019 (Bates # ER 001054). If Dad wanted additional documents other than those in Emily or Mom or Dr. Love Ferrell’s possession (all of which were provided to Dad and/or his counsel long ago), then Dad should have requested them directly from the medical provider using

the HIPPA Releases.

WHEREFORE, for the reasons set for herein, it is clear that Dad's Supreme Court Motion and Writ must be DENIED .

BRENNAN LAW FIRM, LLC

By: /s/ Elizabeth Brennan
ELIZABETH BRENNAN

*Attorney for Plaintiff Emily Reed,
through her Conservator Alecia Draper*

CERTIFICATE OF SERVICE

I certify that I am an employee of Brennan Law Firm and that on this 4th day of August, 2020 service of the foregoing:

**OPPOSITION TO EMERGENCY MOTION PURSUANT TO NRAP 27 –
DATE OF EVIDENTIARY HEARING AT DISTRICT COURT AUG 6, 2020**

mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

Amanda M. Roberts, Esq.
Attorney for Jeffery Allen Reed

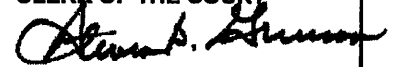
/s/ Elizabeth Brennan

An Employee of BRENNAN LAW FIRM

EXHIBIT 1

EXHIBIT 1

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10 *Attorney for Plaintiff Emily Reed,*
11 *through her Conservator Alecia Draper*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 Alecia Ann Draper,

15 Plaintiff,

16 v.

17 Jeffery Allen Reed,

18 Defendant.

Case No.: 05D338668

Dept. No.: H

Oral Argument Requested

19 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO EXTEND**
20 **DISCOVERY, EXTEND TIME FOR REBUTTAL EXPERT AND RELATED RELIEF**

21 Plaintiff Emily Reed, through her Conservator Alecia Draper (the "Conservator"), by and
22 through her attorney, opposes the Motion to Extend Discovery Et Al filed by Defendant, Jeffery
23 Reed ("Defendant's Motion").

24 This case involves the request for child support for Emily Reed ("Emily"). Emily is the
25 23-year-old adult daughter of the Conservator, Alecia Draper, and the Defendant, Jeffery Reed.
26 Emily has been handicapped since before the age of majority; has remained handicapped, and is
27 entitled to child support in accordance with NRS 125B.110.

28 The request for child support for Emily has been pending since 2017. The case is now set
for an evidentiary hearing on June 18, and 19, 2020. During a conference call with Judge Ritchie
on March 31, 2020, Judge Ritchie denied Defendant's oral request to extend the discovery cutoff
date. This is significant because just 2 days later, Defendant filed the present motion. Defendant's
Motion must be DENIED in its ENTIRETY for the following reasons:

1
2 **1. Defendant Failed to Comply With EDCR 5.501.**

3 Prior to the filing of Defendant's Motion, defense counsel made no attempt to amicably
4 resolve the issues in dispute with undersigned counsel.

5 **2. Defendant NEVER Disclosed the Identity of Any Rebuttal Expert.**

6 Plaintiff disclosed the identity of her expert, Dr. Love Farrell, back in 2017. Plaintiff's
7 Initial Expert Report of Dr. Love Farrell was provided to Defendant on August 31, 2017 (Bates#
8 PL 000216 – 000221) and again on July 29, 2019 (Bates# ER 000057 – 000062). Thereafter, on
9 October 22, 2019, Plaintiff provided Defendant with Dr. Love Farrell's CV. (Bates# ER 001442
10 – 001444).

11 On December 4, 2019, Plaintiff provided Defendant with Dr. Love Farrell's Supplemental
12 Report. (Bates# ER 001450 – 001467).

13 Pursuant to NRCP 16.2(e)(3)(A) a party must disclose the identity of their rebuttal expert
14 within 21 days after the disclosure made by the other party. To date, despite Plaintiff having
15 disclosed the identity of Dr. Love Farrell back in 2017, Defendant still has not disclosed the
16 identity of ANY Rebuttal Expert!

17 **3. Defendant NEVER Disclosed or Produced Any Rebuttal Expert REPORT.**

18 Pursuant to NRCP 16.2(e)(3)(B), a party must deliver their expert report to the opposing
19 party within 60 days of the close of discovery. Discovery closed in this case on April 2, 2020. As
20 a result, Defendant's Rebuttal Expert Report was due on February 3, 2020. To date, Defendant
21 has failed to produce any Rebuttal Expert Report or disclose the identity of any Rebuttal Expert.

22 Prior to the February 3, 2020 deadline for production of Defendant's Rebuttal Expert
23 Report, Defendant never sought an extension of the deadline.

24 **4. Plaintiff Timely Responded to All Written Discovery Back in July of 2019.**

25 In Defendant's Motion, Defendant discusses the fact that Defendant served Request for
26 Production of Documents on Plaintiff back in June of 2019. What Defendant fails to point out is
27 that Plaintiff timely responded to that Request for Production in July of 2019. Now, eight (8)
28 months later, on the eve of trial, Defendant claims for the first time that he doesn't believe

1 Plaintiff's responses were sufficient. Despite that accusation in Defendant's Motion, Defendant
2 never ever claimed at any time during the past 8 months that Plaintiff's discovery responses were
3 deficient in any manner. None!

4 **5. Defendant Has Been Provided ALL Medical Records In Plaintiff's Possession.**

5 Contrary to Defendant's Motion, Plaintiff has provided Defendant with ALL of Emily's
6 medical records that Plaintiff has requested over the years and that Plaintiff deems necessary to
7 prove her case! See Exhibit 1, Plaintiff's Supplemental Disclosure served on 4/2/2020.

8 It is significant to note that Defendant has had Emily's medical records for treatment
9 rendered to her while she was a minor since August 31, 2017. (Bates# PL 000001 – 000267). This
10 included a Summary of Emily's Medical Treatment, with the names of her medical providers.
11 (Bates# PL 000257 – 000267).

12 **6. Defendant Was Provided HIPPA Releases Twice – Back in 2017 and again in 2019.**

13 In addition to the documents produced by Plaintiff from 2017 to the present, Plaintiff
14 provided Defendant with not one, but two HIPPA Releases authorizing Defendant's counsel to get
15 whatever medical records of Emily the she deemed necessary. The first HIPPA Release was
16 provided to Defendant back in September of 2017. (Bates# ER 001053). The second HIPPA
17 Release was provided to Defendant back in July of 2019. (Bates# ER 001054).

18 Both HIPPA Releases specifically authorize Defendant's attorney, Amanda Roberts, Esq.
19 to obtain Emily's medical records. As a result, if Defendant wanted additional medical records
20 other than the thousands of pages already provided by Plaintiff, Defendant has had the ability to
21 get them since 2017.

22 **7. Judge Ritchie Refused to Extend Discovery When Requested on 3/31/2020.**

23 Counsel for the parties had a conference call with Judge Ritchie on March 31, 2020,
24 which was initiated by the Judge, to move the evidentiary hearing from April 16 and 17, 2020 to
25 June 18 and 19, 2020. This trial date was moved was made solely because of the Coronavirus
26 issues and the desire of all involved to try to have the case in person, rather than by video
27 conference if possible. During that call, Defendant mentioned the name of its alleged Rebuttal
28 Expert for the first time ever; stated that Defendant was still trying to get a Rebuttal Expert Report

1 done; and Defendant requested additional time for discovery. Undersigned counsel for Plaintiff
2 objected because Defendant failed to meet their disclosure requirements and Plaintiff would be
3 prejudiced. Judge Ritchie responded by stating that he is NOT moving the discovery cutoff date.

4 WHEREFORE, for the reasons set for herein, it is clear that Defendant's Motion must
5 be DENIED and that the Court should grant whatever relief it deems proper in favor of Plaintiff
6 due to the frivolous nature of Defendant's Motion.

7
8 BRENNAN LAW FIRM, LLC

9 By: /s/ Elizabeth Brennan
10 ELIZABETH BRENNAN

11 *Attorney for Plaintiff Emily Reed,*
12 *through her Conservator Alecia Draper*
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CERTIFICATE OF SERVICE

I certify that I am an employee of Brennan Law Firm and that on this 16th day of April, 2020 service of the foregoing:

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO EXTEND
DISCOVERY, EXTEND TIME FOR REBUTTAL EXPERT AND RELATED RELIEF**
mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

Amanda M. Roberts, Esq.
Attorney for Jeffery Allen Reed

/s/ Elizabeth Brennan
An Employee of BRENNAN LAW FIRM

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

Colleen O'Brien

From: NoReply@clarkcountycourts.us
Sent: Sunday, August 2, 2020 3:31 PM
To: Colleen O'Brien
Subject: Eighth Judicial District Court - Proposed Order Returned

Draper vs. Reed- 05D338668

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): The Motion is untimely. The matter is moving forward as scheduled.