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

Electronically Filed
Oct 12 2021 04:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**CHRISTINA CALDERON f/k/a
CHRISTINA CALDERON STIPP,**

Appellant,

v.

MITCHELL STIPP,

Respondent.

Supreme Court No. 81888

District Court Case No.: D-08-389203-Z

Dept. No.: E

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MOTION FOR EXTENSION OF TIME TO FILE FAST TRACK RESPONSE

LAW OFFICE OF MITCHELL STIPP¹
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¹ Radford Smith, Esq., remains co-counsel of record for Respondent, Mitchell Stipp.

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2 **I. STATEMENT OF FACTS/PROCEDURAL HISTORY**

3 1. The parties, Christina Calderon (“Christina”), and Mitchell Stipp
4 (“Mitchell”), filed a joint petition for divorce and were granted that relief pursuant to a
5 stipulated decree on or about March 5, 2008 (“Decree”). The Decree incorporated the
6 terms and conditions of a marital settlement agreement dated February 20, 2008
7 (“MSA”). In the MSA, the parties agreed to have joint physical and legal custody over
8 their minor children, Mia Elena Stipp (DOB, 10/19/2004, Age: 16) and Ethan
9 Christopher Stipp (DOB, 3/24/2004, Age: 14).
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12 2. Post-divorce litigation began on December 17, 2008, when Christina filed
13 a motion to confirm herself as the primary physical custodian of the children. That
14 litigation, together with ancillary motions concerning the mental health of the children,
15 their schooling (private vs. public), Mitchell’s child support obligations, and the right of
16 first refusal to care for the children (when Christina returned to work), lasted
17 approximately five (5) years before Judge Frank Sullivan and Judge William Potter and
18 several appeals before this Court.
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22 3. The parties finally settled their disputes in a stipulation and order entered
23 by the court on July 2, 2014 (“2014 Parenting Plan”). Pursuant to the Parenting Plan,
24 the parties agreed that they would have joint physical and legal custody over their
25 children with a 50-50 timeshare split (7/7 schedule—one week on/off). There is no
26 dispute that the physical custody relationship as set forth in the 2014 Parenting Plan and
27 exercised by the parties at all relevant times was joint.
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1 4. There were at least **two (2) instances of domestic violence** involving
2 Mia—one occurred on or about **May of 2019** and the other on or about **August of 2019**.
3 After Mia and Ethan refused to return to Christina’s care on August 23, 2019, Mitchell
4 filed a motion before the district court on August 26, 2019 seeking interviews of the
5 children by Family Mediation Center (“FMC”), for mediation and to permit the children
6 to exercise teenage discretion within the limits of joint physical custody. This motion
7 was later supplemented by a countermotion for primary physical custody and request
8 for teenage discretion filed by Mitchell on October 21, 2019.
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11 5. On October 1, 2019, the district court ordered the parties’ children to be
12 interviewed by FMC and set a returned date for November 12, 2019. On October 22,
13 2019, the district court referred the parties to Donna’s House for supervised custodial
14 exchanges. m’Ryah Littleton at FMC interviewed the children on October 23, 2019
15 and prepared a written report which was provided to the district court. The case at
16 Donna’s House was closed after the children refused on two (2) separate occasions to
17 be transitioned into Christina’s physical custody.
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21 6. At the hearing on November 12, 2019, the district court reviewed the report
22 from Donna’s House (which confirmed the termination of services) and the report by
23 Ms. Littleton from FMC. As a result, the court ordered an evidentiary hearing under
24 Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123 (1993). There was adequate cause.
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26 7. After three (3) full days of trial (January 23, 2020, March 5, 2020, and
27 August 27, 2020), the district court issued its findings of fact, conclusions of law and
28 order on or about September 17, 2020 (“2020 Custodial Order”). The court awarded

1 Mitchell primary physical custody of Mia and confirmed Mitchell and Christina as joint
2 physical custodians of Ethan with a 50/50 timeshare (7/7 split).

3 8. After the 2020 Custodial Order was entered, Mitchell and Christina agreed
4 that Mia could exercise teenage discretion with respect to time spent with Christina.
5 Ethan has been spending time with Christina generally in accordance with the schedule
6 ordered by the court.
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8 9. Christina filed on September 28, 2020 a notice of appeal of the 2020
9 Custodial Order.
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12 **II. THERE IS EXTREME NEED OR MERIT TO EXTEND THE**
13 **DEADLINE TO FILE A FAST-TRACK RESPONSE.**
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17 Christina filed a motion to extend the time to file her fast-track statement and
18 appendix on June 17, 2021. See Dkt. 21-17469. This Court granted the request on
19 June 25, 2021 and extended the deadline for ninety (90) days. See Dkt. 21-18365.
20 Christina filed her fast-track statement on September 20, 2021 and an Appendix
21 which constitutes twelve (12) volumes. See Dkt. 21-27178 through 21-27190.
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25 This appeal was removed from the settlement program on May 10, 2021. See
26 Dkt. 21-13318. With the extension, Christina was provided approximately four (4)
27 months to prepare her fast-track statement and appendix. Further, NRAP 3E(4)
28 requires the parties “to confer and attempt to reach an agreement concerning a

possible joint appendix to be filed with the fast track statement.” Christina’s counsel did not make any attempts to confer with the undersigned or his co-counsel, Radford Smith, Esq., on a joint appendix. The failure to meet and agree on a joint appendix means the undersigned may need to prepare a separate appendix.

For the above reasons, the undersigned respectfully requests thirty (30) days from October 18, 2021 to file his fast-track response and appendix. Such request complies with NRAP 3E(f)(3).

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of October, 2021, I filed the foregoing
MOTION FOR EXTENSION OF TIME TO FILE FAST TRACK RESPONSE,
using the Court's electronic filing system, which provided notice to the following:

Aaron D. Grigsby, Esq.
Grigsby Law Group
2880 W. Sahara Ave
Las Vegas, Nevada 89102

/s/ Mitchell Stipp

Law Office of Mitchell Stipp