

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

TODD MATTHEW PHILLIPS,	)	Supreme Court No: 82414
	)	District Court Case No. D-18-578142-D
Appellant,	)	Electronically Filed
	)	Jul 12 2021 02:45 p.m.
v.	)	Shannon R. Wilson
	)	Position: Clerk of Supreme Court
	)	<b>RESPONDENT'S OPPOSITION TO</b>
	)	<b>APPELLANT'S SECOND MOTION</b>
	)	<b>TO FILE AMENDED FAST TRACK</b>
AMBER PHILLIPS, N/K/A	)	<b>STATEMENT AND COUNTER-</b>
AMBER KORPAK,	)	<b>MOTIONS FOR EXTENSION OF</b>
	)	<b>TIME TO FILE FAST TRACK</b>
Respondent.	)	<b>RESPONSE</b>
_____	)	

Respondent Amber Phillips, n/k/a Amber Korpak, through her counsel of record Shannon R. Wilson of Hutchison & Steffen, PLLC acting in a *pro bono* capacity in conjunction with the Legal Aid Center of Southern Nevada, opposes Appellant's *Second* Motion to File an Amended Fast Track Statement and moves the Court for an Extension of Time to File Respondent's Fast Track Response.

The original deadline for the Fast Track Statement (hereinafter, "Statement") was April 19, 2021. Appellant motioned the Court for an extension of fourteen days to May 10, 2021, which was granted, making the Fast Track Response (hereinafter, "Response") due June 1, 2021. On May 25, 2021, Respondent sought an extension of time to file the Response. The extension was sought because, *inter alia*, the Statement contained thirty-four (34) issues, seven (7) of which Appellant argued are issues of first impression. Respondent's request for extension was granted, giving

Respondent until July 12, 2021 to file the Response. However, on June 14, 2021, Appellant filed his first motion for permission to file an Amended Statement because, he said, “Appellant wishes to supplement the points and authorities (and clarify the arguments).” (On file herein, Appellant Mot. filed June 14, 2021 at 2:15-16.) This did not clearly indicate an intention to add new issues. The Motion also stated, “Appellant will not oppose Respondents requests for time extension (if any).” (*Id.* at 2:13-14.) For these reasons, Respondent did not oppose the Motion. The Court granted Appellant’s Motion giving him to his requested date of June 30, 2021 to file his Amended Statement, and then on June 30, 2021, Appellant made a telephonic request for a further extension that was granted, allowing him to July 7, 2021 to file. Appellant emailed a copy of his Amended Statement to Respondent’s counsel on July 7, 2021 at 5:28 p.m., two judicial days before the Response deadline. The amended Statement removed one issue, but **added five new issues**, bringing the total number of issues to 38.

It is also relevant for the Court to know that Appellant continues to file motions in the underlying district court action (there have been three motions since June 16, 2021). He did not serve these on counsel even though he attached certificates of service to his filings purporting to have done so. They were only discovered upon receipt of the district court’s hearing notices or because we are looking at the court

docket for some other reason, such as preparing the underlying Response. This has been Mr. Phillip's *modus operandi* through the litigation. Occasionally, he will directly email his papers, but it is rare, and not in this particular instance. Once discovered, Respondent's counsel asked Mr. Phillips for extensions to file oppositions to the first two of these district court motions, which would not move their hearing date or effect Mr. Phillips's ability to file timely replies, but Mr. Phillips evaded the requests and wasted counsel's time. (*See*, Ex. A, Affidavit of Shannon R. Wilson; *see also*, Ex. B, Email chain between S. Wilson and T. Phillips re extension of time to file opposition.) On July 2, 2021, Respondent's counsel filed a motion for the extensions, and thereafter, on July 7, 2021, Mr. Phillips had the audacity to file notices of non-opposition to *his* motions, asking the court to grant the relief he sought.

Additionally, on June 11, 2021, Mr. Phillips emailed the undersigned and threatened to file a lawsuit against her, her firm, and Respondent if the minor child (now fifteen years old) did not pick up his phone on June 13, 2021. (Ex. C, attached hereto at PLTF1240.) The undersigned reviewed the relevant orders and responded to Mr. Phillips. (*Id.* at PLTF1241.) Mr. Phillips emailed again, continuing his harassment. (*Id.* at PLTF1242-46.)

On or about June 14, 2021, Mr. Phillips did, in fact, file a lawsuit in Federal District Court naming the undersigned counsel, her firm, the Respondent, and the district court judge. It is no doubt frivolous, without reasonable grounds, and brought to harass the named Defendants, much like the instant appeal. Mr. Phillips emailed counsel requesting they waive service of the complaint on behalf of Respondent and themselves, and then he took offense when counsel asked him to undertake the request in accordance with the applicable rule of civil procedure. (Ex. E and D, attached hereto, email chains between T. Phillips and S. Wilson re waiver of service as to Respondent and as to counsel for Respondent, respectively.)

Indeed, Mr. Phillips has promised to pursue litigation against all persons involved in this case for years to come. (*See e.g.*, Ex. E attached at PLTF 1255; *see also* R. on Appeal at v. 4, p. 687, 689, 693.) Counsel and her firm have represented Mrs. Phillips in a *pro bono* capacity since the commencement of the underlying district court actions. Between Case number T-18-191733-T (hereinafter, “T-Case”) and D-18-578142-D (hereinafter, “D-Case”), Mr. Phillips has filed in excess of 130 papers since the T-case initiated in September 2018. In the D-case alone, Hutchison & Steffen has devoted over 500 *pro bono* hours, most of that in addressing Mr. Phillips’s voluminous, frivolous, and vexatious papers. (See R. on Appeal v. 13, p. 2609, Declaration of S. Wilson.)

Appellant is not just any *pro se* litigant. Inexplicably, he has held a California law license for 29 years. On the one hand, his filings betray a failure to both apply and comprehend the applicable law to his case, as well as a wilful disregard for the principles of legal writing (e.g., citation to the record and legal authority, with sporadic exception). But on the other hand, he holds the dubious distinction of lighting the fires of a scorched earth litigation strategy more effectively than any other litigant the undersigned counsel has had the displeasure to encounter.

In short, Appellant is making excessive work for Respondent's counsel on several fronts and her current schedule, including a trial set for the last week of July, will not allow counsel to complete the response until the end of August. To be clear, counsel is not "bellyaching" as Appellant has rudely accused before, among other things. (R. on Appeal at v. 4, p. 681) It is obvious from Mr. Phillips's communications with counsel, his papers on file in this appeal, and the underlying action precisely why the former Mrs. Phillips and the minor child needed to leave the marital residence. From his papers it is plainly obvious: Phillips is a tyrant, he is a bully, and he is relentless even though his actions are without factual or legal merit. Regrettably, the lack of merit in these actions does not excuse counsel or the courts from responding to such drivel.

Therefore, Respondent opposes Mr. Phillips's *second* request to amend his fast track statement, and Respondent requests to August 31, 2021 to file the Fast Track Response. Appellant will not be prejudiced by an extension. First, Appellant's June 14, 2021 motion said he will not oppose Respondent's requests for extension. Second, contrary to the assertions of Appellant's fast track statement, neither his parental rights nor custodial rights were "terminated." Throughout the district court proceedings, including in the final decree of custody, Appellant was afforded opportunities to visit and reunify with the minor child, which Appellant declined. Finally, Appellant requested several extensions in this appeal, one to file his docketing statement, two extensions to file his fast track statement, and another to file his amended fast track statement, clearly he has no sense of urgency for his own case.

////

////

////

////

////

////

////

////

The requested extension to August 31, 2021 will allot counsel the time necessary to prepare the response without prejudice to Appellant. This request is presented in good faith and not for purposes of delay or any other improper reason.

Respectfully submitted this 12<sup>th</sup> day of July, 2021.

HUTCHISON & STEFFEN, PLLC

*/s/ Shannon R. Wilson*

---

Shannon R. Wilson (9933)  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
[swilson@hutchlegal.com](mailto:swilson@hutchlegal.com)  
*Attorney for Respondent*

## CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the ***RESPONDENT'S OPPOSITION TO APPELLANT'S SECOND MOTION TO FILE AMENDED FAST TRACK STATEMENT AND COUNTER-MOTIONS FOR EXTENSION OF TIME TO FILE FAST TRACK RESPONSE*** was filed electronically with the Clerk of the Nevada Supreme Court, and a copy was mailed via U.S. mail to the attorneys/parties below:

T. Matthew Phillips  
4894 W. Lone Mountain Rd., No 132  
Las Vegas, NV 89130

[tmattthewphillips@aol.com](mailto:tmattthewphillips@aol.com)

*Appellant in Proper Person*

DATED this 12<sup>th</sup> day of July, 2021.

/s/ Bobbie Benitez

---

An employee of Hutchison & Steffen, PLLC