

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD MATTHEW PHILLIPS,

Appellant,

v.

AMBER PHILLIPS, N/K/A

AMBER KORPAK,

Respondent.

) Supreme Court No: 82414

) District Court Case No. D-18-578142-D

)

) **MOTION FOR EXPANDED CHILD**

) **CUSTODY FAST TRACK**

) **RESPONSE**

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Elizabeth C. Brown
Clerk of Supreme Court

Pursuant to NRAP 3E(d)(3), Respondent moves for permission to file an expanded fast track response that complies with NRAP 32(a)(4-6) and NRAP 32(a)(7)(C) not to exceed twenty-five (25) pages.

NRAP 3(E)(d)(3) allows this Court to grant permission for an expanded child custody fast track statement or response. Although such motions are looked on with disfavor, Appellant's fast track statement did not comply with the formatting, font size, line spacing, page limits, or type-volume requirements of NRAP 3E(d)(1), NRAP 32E(e)(1-3), or NRAP 32(a)(4-6). Appellant blatantly ignored and grossly exceeded all applicable rules and limitations without seeking leave to file an expanded statement as required by NRAP 3E(d)(3). Additionally, Appellant's procedural history and statement of facts are argumentative and contradicted by the record (a record to which Appellant did not cite), making it

necessary for Respondent to prepare a complete procedural history and statement of facts to allow this Court to evaluate – with reference to the actual record – the complete and utter lack of merit in any of Appellant’s issues.

Appellant’s brief was in Calibri font, which is a proportionally spaced typeface; however, it was only 11-point font instead of the minimum 14-point font required. Also, Appellant’s brief was single-spaced not double-spaced.

Therefore, the sixteen page, page limit for a fast track child custody brief set forth in NRAP 3E(d)(1) is inapplicable. Nor does Appellant comply with the alternative, type-volume limitations of NRAP 3E(e)(2), which permit a fast track statement to have up to 7,267 words. Appellant’s first amended fast track statement has over 10,000 words. Finally, as per his custom and practice to ignore rules, even when they are part of the Court’s form, as is the case here, Appellant failed to include the Verification certifying compliance with these rules.

In addition to the Court’s Child Custody Fast Track Form (*sans* the verification for formatting requirements), Appellant’s brief was more than 10,000 words and included 17 pages that were single-spaced, Calibri 11-point font. These pages set forth an inaccurate and argumentative procedural history and statement of facts, as well as identification of thirty-eight (38) issues, nine of which (9) Appellant argues are issues of first impression. Appellant did not cite to the

Court's record, indeed he never requested it, Respondent did that.

Considering the depravity of Appellant's fast track statement, Respondent is left with the task to set forth the applicable procedural history and relevant facts. The record is long because of the voluminous, frivolous, and vexatious filings by Appellant in the underlying district court action. The undersigned counsel has attempted to limit the length of Respondent's response without harming her ability to provide the court with enough information. For these reasons, it is necessary for Respondent to file an expanded fast track response to properly respond to the fast track statement. The undersigned respectfully contends that the response cannot be shortened any more, without negatively impacting its value to the court.

Accordingly, Respondent requests permission to file an expanded fast track statement response that complies with NRAP 32(a)(4-6) and NRAP 32(a)(7)(C) not to exceed twenty-five (25) pages.

Respectfully submitted this 16th day of August, 2021.

HUTCHISON & STEFFEN, PLLC

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CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **MOTION FOR EXPANDED CHILD CUSTODY 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
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Appellant in Proper Person

DATED this 16th day of August, 2021.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC