



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.) 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., almost *three (3) months* after the opening statement's original due date, and a mere 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. Respondent filed a request for an extension, to file the reply brief, which was granted to August 31, 2021. Respondent filed her Fast Track Response on August 31, 2021, and then again on September 1, 2021, after it was mistakenly rejected due to a clerical issue in the clerk's office. Appellant's reply, if any, was due to be filed on or before September 8, 2021. However, Appellant requested a fourteen (14) day telephonic extension which was

granted by the Court on September 8, 2021, making the reply due on September 22, 2021. On September 23, 2021, Appellant filed a motion for a *further* extension of time to file his reply to respondent's fast track statement [*sic*] requesting an additional fourteen (14) days to until October 6, 2021.

## **LEGAL ARGUMENT**

Appellant's argument in his underlying motion for an extension of time to file a reply does not demonstrate extreme need or merit as per NRAP 3E(f)(3). In fact, the caseload of an attorney is not typically deemed to be such an extraordinary circumstance to merit an extension. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). This is especially true where, as here, the workload is of movant's own making. Appellant continues to file vexatious and frivolous motions and actions in state and federal court that have no factual or legal merit. *See e.g.*, Eighth Judicial District Court, Case No. D-18-578142-D; *see also e.g.*, Federal District Court for the District of Nevada Case No. 2:21-cv-01127-GMN-DJA.

Further, Respondent highlights the incongruity between Appellant's alleged grievance – that he was deprived of custody of his on minor child – and his multiple requests of extension of time in what is intended to be an expedited process. The fact that: (a) the Court's orders did provide for Appellant to have visitation with his son, that Appellant has declined; and (b) Appellant's endless shenanigans, betray his true

motive is not to have visitation with his son, but rather is to harass his ex-wife, her counsel, and the Courts that deigned to act in the minor child's best interest.

Respondent is equally entitled to an expeditious resolution on this matter which has gone on far too long and is only being unduly delayed by Appellant's clear disregard for judicial economy and an *actual* resolution to the underlying appeal.

### **CONCLUSION**

Respondent understands the preference for a resolution of matters on the merits, but observes, there was never any factual or legal merit in the underlying appeal, and there will be no more merit in the reply. Respondent requests that Appellant's motion for extension of time to file his reply to respondent's fast track statement [*sic*] be denied in its entirety and that the matter be submitted for a decision based on the briefs on file herein.

Respectfully submitted this 30<sup>th</sup> day of September, 2021.

HUTCHISON & STEFFEN, PLLC

*/s/ Shannon R. Wilson*

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## **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 MOTION FOR EXTENSION OF TIME TO FILE REPLY TO RESPONDENT'S FAST TRACK STATEMENT** 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 30<sup>th</sup> day of September, 2021.

*/s/ BOBBIE BENITEZ*

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An employee of Hutchison & Steffen, PLLC