

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

Jeffrey Reed,  Petitioner,  vs.  Alecia Reed nka Draper and Alicia Draper, as Conservator for Emily Reed,  Respondent.	        Electronically Filed Dec 20 2021 07:40 p.m. Elizabeth A. Brown Clerk of Supreme Court   Supreme Court #: 82575 (Appeal)  District Court Case #: 05D338668
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**EMERGENCY MOTION UNDER NRAP 27(e)**

**DATE ACTION NECESSARY BY:    December 28, 2021**

**MOTION FOR EXTENSION OF TIME TO FILE**  
**RESPONDENT EMILY’S BRIEF AND APPENDIX**

**(Required due to the significant failures of Appellant Jeff to follow the Nevada Rules of Appellate Procedure in Jeff’s Opening Brief and Appendix)**

Respondent, Alecia Draper, as Conservator for Emily Reed (“Emily”), respectfully moves for an extension of time to file Emily’s Brief and Appendix on the grounds set forth herein. This is Emily’s first request for an extension.

Contemporaneously with the filing of this Motion, Emily has filed a Motion to Dismiss Appeal. In the event that the Motion to Dismiss Appeal is granted, it may not be necessary for Emily to file a brief or appendix. Furthermore, in the Motion to Dismiss Appeal, the alternative relief requested by Emily is that the Opening Brief of Jeffrey Reed (“Jeff”) and his Appendix be STRIKEN and that Jeff be ordered to

file new pleadings that comply with the rules. If this relief is granted, then Emily's briefing deadline will necessarily need to be extended by this Court to enable Emily to prepare a brief and appendix based off of the new court ordered revised pleadings of Jeff.

Jeff filed his Opening Brief and Appendix on December 10, 2021; thus, Emily's Brief and Appendix are due on January 10, 2022.

**Emily Counsel must know ASAP whether to proceed with preparing Emily's Brief to attempt to meet the January 10, 2022 deadline which will be extremely difficult based on the totally flawed appendix and brief provided by Jeff.** This is why expedited emergency processing of this motion is required. This requested extension will also allow this Court additional time to consider and rule on the pending Motion to Dismiss Appeal.

It should be pointed out that Emily is desirous of moving this appeal forward as quickly as possible because delay is not in Emily's best interest due to Jeff's failure to pay the court ordered support which is necessary for Emily to get her required medical treatment. Emily is severely disabled with multiple diagnoses and over fifty multiple personalities and desperately needs her court ordered child support! Through Jeff's apparent gross negligence and/or intentional wrongs in preparing his brief and appendix, Jeff continues his delay game. Unfortunately, **undersigned counsel for Emily is forced to file this request for an extension due**

**to the SIGNIFICANT defects in Jeff’s Appendix and Jeff’s Opening Brief that severely prejudices counsel’s ability to file a meaningful brief on behalf of Emily.**

Emily’s counsel has worked diligently for the last week to prepare Emily’s Brief; however, it is clear that Emily’s counsel will not be able to complete Emily’s Brief by the current deadline of January 10, 2022 due to the SIGNIFICANT defects in Jeff’s Appendix and Jeff’s Opening Brief. These defects, which are explained in more detail in Emily’s Motion to Dismiss Appeal, include but are not limited to, the following:

- 1) No paper copy of the 17 Volume Appendix was provided to Emily’s Counsel in violation of *NRAP 30(f)(1)*.
- 2) The electronic copy of Jeff’s Appendix is really 33 Volumes (not 17 volumes as represented by Jeff) because multiple volumes were uploaded in “parts” as can be seen by reference to the Supreme Court’s Docket page for this case.
- 3) The Index to Jeff’s Appendix fails to identify which documents are contained in a each particular “part” of a particular volume. As a result, this Court and undersigned counsel are required to waste valuable time and resources to search through multiple volumes in order to attempt to locate a particular document.

- 4) Some documents identified in Jeff's Opening Brief as being located in a particular Appendix Volume are NOT located in the identified volume of the appendix. As a result, in order to find the referenced documents, this Court and undersigned counsel are required to waste valuable time and resources to search through 33 volumes of the electronic copy of the appendix!
- 5) Some documents identified in Jeff's Opening Brief as bearing a particular appellate record bates number in the Appendix to support a particular assertion as required by *NRAP 28(e)(1)* have been completely misrepresented by Jeff and do not support that point. As a result, undersigned counsel and/or this Court have to search through the 33 volumes of the electronic copy of the appendix to attempt to locate whatever document Jeff meant to use for this point.
- 6) Some documents identified in Jeff's Brief as bearing a particular appellate record bates number are a completely different document than the one described in Jeff's Brief.
- 7) Some documents within the electronic copy of the Appendix are upside down. Since no paper copy was provided as required by the rules, it is impossible to read these upside down electronic documents.
- 8) Some documents within the Appendix are cutoff and not fully legible.

- 9) Some documents within the Appendix have been shrunk down by Jeff to a smaller font (as compared to the original trial exhibit copy which was a bigger font and covered the entire page), making them difficult to read. This occurs on critical documents within the Appendix, including documents from Dr. Love, who is Emily's treating psychologist and the ONLY expert witness that testified in the case.
- 10) There are multiple copies of the SAME DOCUMENT in Jeff's Appendix that have been labeled by Jeff with DIFFERENT appellate record bates numbers.
- 11) **MOST SIGNIFICANTLY**, many of the documents contained in the Appendix are **NOT true and correct copies of the exhibits admitted at the district court trial, in violation of *NRAP 30(g)(1)***. Instead, Jeff has DELETED a majority of the original bates numbers that were contained on Emily's trial exhibits. During the trial, all of the witnesses (with the exception of Emily and her various multiple personalities/alters that testified at trial) used the original bates numbers contained on Emily's trial exhibits! In fact, the original bates numbers were used extensively during the trial to ensure that the witness, the Judge, and all counsel were looking at the same document within a voluminous record, such as a medical record or school IEP records for Emily that start from a very young age. **To**

**prepare Emily's Brief, her counsel needs to cross reference for this Court the trial testimony in the trial transcripts to the trial exhibits in the Appendix. This cannot be done because Appellant has deleted the original bates numbers!**

12) Finally, Jeff failed to include in the Appendix all portions of the record that are relevant, necessary, and essential to determination of the issues raised in the appeal, in violation of *NRAP 30(b)(3)* and *NRAP30(d)*. As a result, Emily will have to prepare a 4 volume Emily's Appendix to supply this Court with the documents that Jeff was obligated to provide pursuant to the rules of appellate procedure. In the event that the relief requested by Emily in the pending Motion to Dismiss Appeal is granted, Emily's counsel may not need to spend the time and money to prepare the additional 4 volume appendix to correct for Appellant's failure to comply with the rules.

WHEREFORE, given the foregoing, good cause exists under NRAP

26(b)(1)(A) for this Court to grant the following relief requested by Emily:

**RELIEF REQUESTED:**

**An Order extending the deadline for Emily to file Respondent Emily's Brief and Appendix until this Court rules on the Motion to Dismiss and either**

dismisses the appeal entirely or, in the alternative, sets a new deadline for the filing of Respondent Emily's Brief and Appendix.

Respectfully submitted:

BRENNAN LAW FIRM, LLC

/s/ Elizabeth Brennan

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*Attorney for Respondent, Emily Reed*

### **NRAP 27(e) CERTIFICATE**

I certify the following information is true and correct to the best of my knowledge:

#### **A. OFFICE ADDRESS & TELEPHONE NUMBERS OF COUNSEL:**

##### Attorney for Appellant Office Address, Email & Telephone Number

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**B. FACTS SHOWING EXISTENCE OF EMERGENCY:**

Undersigned counsel hereby certifies that in order to avoid irreparable harm to Respondent Emily, relief is needed in less than 14 days.

Prior to the filing of this Motion, undersigned counsel notified the Clerk of the Nevada Supreme Court today via telephone and notified Jeff's counsel today via email. Undersigned counsel has also filed this motion at the earliest possible time.

Jeff filed his Opening Brief and Appendix on December 10, 2021; thus, Emily's Brief and Appendix are due on January 10, 2022. Emily's counsel has worked diligently for the last week to prepare Emily's Brief; however, it is clear that Emily's counsel will not be able to complete Emily's Brief by the current deadline of January 10, 2022 due to the SIGNIFICANT defects in Jeff's Appendix and Jeff's Opening Brief that severely prejudices Emily's counsel's ability to file a meaningful brief on behalf of Emily.

This is Emily's first request for an extension.

Contemporaneously with the filing of this Motion, Emily has filed a Motion to Dismiss Appeal. In the event that the Motion to Dismiss Appeal is granted, it may not be necessary for Emily to file any brief or appendix. Furthermore, in the Motion to Dismiss Appeal, the alternative relief requested by Emily is that Jeff's Brief and Appendix be STRIKEN and that Jeff be ordered to file new pleadings that comply with the rules. If this relief is granted, then Emily's briefing deadline will necessarily



need to be extended by this Court to enable Emily to prepare a brief based off of the new court ordered revised pleadings of Jeff.

**Emily's counsel must know ASAP whether to proceed with preparing Emily's Brief to attempt to meet the January 10, 2022 deadline which will be extremely difficult based on the totally flawed brief and appendix provided by Jeff.** This is why expedited emergency processing of this motion is required. This requested extension will also allow this Court additional time to consider and rule on the pending Motion to Dismiss Appeal.

The significant flaws in Jeff's Appendix and Brief are outlined in the attached motion. **MOST SIGNIFICANTLY**, many of the documents contained in the Appendix are **NOT true and correct copies of the exhibits admitted at the district court trial, in violation of *NRAP 30(g)(1)*.** Instead, Jeff has DELETED a majority of the original bates numbers that were contained on Emily's trial exhibits. **To prepare Emily's Brief, her counsel needs to cross reference for this Court the trial testimony in the trial transcripts to the trial exhibits in the Appendix. This cannot be done because Appellant has deleted the original bates numbers!**

### **C. NOTIFICATION OF COUNSEL FOR APPELLANT**

Prior to the filing of this Motion, undersigned counsel notified the Clerk of the Nevada Supreme Court today via telephone and notified Jeff's counsel today via

email. Counsel for Jeff was served with a copy of this motion through the court's electronic service.

/s/ Elizabeth Brennan  
Elizabeth Brennan, Esq.

**CERTIFICATE OF SERVICE**

The foregoing motion/pleading in the above-captioned case was served this date by electronic service on Amanda M. Roberts, Esq., counsel for Appellant.

Dated this 20<sup>th</sup> day of December, 2022.

/s/ Elizabeth Brennan  
an employee of Brennan Law Firm