

Alex B. Ghibaud, Esq.  
Nevada Bar No. 10592  
**ALEX GHIBAUDO, PC**  
197 E. California St., Suite 250  
Las Vegas, Nevada 89104  
T: (702) 978-7090  
F: (702) 924-6553  
E: alex@glawvegas.com  
*Attorney for Appellant*

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Elizabeth A. Brown  
Clerk of Supreme Court

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

STEPHANIE RUBIDOUX,

Appellant,

vs.

DANIEL RUBIDOUX,

Respondent.

Case No. 83628

**APPELLANT'S SECOND**  
**REQUEST FOR AN EXTENSION**  
**OF TIME PURSUANT TO NRAP**  
**3E(f)(3)**

COMES NOW Appellant, Stephanie Rubidoux (“Stephanie”), and makes her **second** request for an extension of time pursuant to NRAP 3E(f)(3) to file her fast track statement as required by NRAP 3E(f)(1).

DATED this December 10, 2021.

**ALEX GHIBAUDO, PC**

*/s/ Alex Ghibaud*

Alex B. Ghibaud, Esq.  
Nevada Bar No. 10592  
*Attorney for Appellant*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **STATEMENT OF FACTS**

Appellant, Stephanie Rubidoux (“Stephanie”) filed her first request for an extension of time on December 6, 2021, requesting an extension to this day, December 10, 2021, a total of four (4) additional days. Since the transcripts were received, that gave undersigned counsel 11 days since the receipt of 602 pages of transcripts to complete the child custody fast track statement.

Undersigned has diligently attempted to complete the statement in the time allowed but simply needs more time, given the shortened period for briefing and the fact that the transcripts, critical to this appeal and extensive, arrived on the last day that the statement was due. The seven (7) additional days available by telephonic extension was of no value because the transcripts arrived on the 29<sup>th</sup> of November, the very same day the seven (7) day extension expired. Undersigned filed a motion requesting four (4) additional days, a shortened period in an effort to expedite this matter, which this Court granted.

As explained before, and having read the entire transcript at this point, it is clear that to provide the attention this matter deserves, counsel needs an additional three (3) days of uninterrupted time (the time requested falls on the weekend) to complete a statement that involves a great deal of testimony regarding domestic violence and a decision and order with a good deal of errors of law and abuses of the

district court's discretion. Therefore, counsel asks for an additional three (3) days to file his statement, to December 13, 2021. The appendices are complete and are being filed in conjunction with this motion.

### **LEGAL ARGUMENT**

Pursuant to NRAP 3E(f)(2), either party may request, by telephone, a 7-day extension of time for filing a fast track statement or response. The clerk of the Supreme Court or designated deputy may, for good cause, grant such requests by telephone or by written order. This Court granted that request on November 29, 2021, the same day the transcripts were finally received. Those seven (7) days provided were not enough to review the 602 page transcript, prepare an appendix and fast track statement, and file both.

On December 6<sup>th</sup>, 2021, counsel filed Stephanie's first motion for an extension of time, to December 10<sup>th</sup>, 2021, in an effort to expedite this matter, which involves multiple instances of domestic violence and a request to clarify what evidence is necessary to overcome the presumption against domestic violence where there is clear and convincing evidence of the same in a domestic relations matter.

Pursuant to NRAP 3E(f)(3):

Any subsequent request for an extension of time must be made by written motion to the court. The motion must justify the requested extension in light of the time limits provided in this Rule, and shall specify the exact length of the extension requested. Extensions of time for the filing of fast track statements and responses shall be granted only upon demonstration of extreme need **or merit**. Sanctions may be

imposed if a subsequent motion for an extension of time is brought without reasonable grounds. (Emphasis added).

Here, there is merit to this request. Stephanie and her counsel did not delay in requesting the necessary transcripts. Despite that, it took 56 days to receive those transcripts. Indeed, they were received on the very day that the fast track statement and appendix were due. Because of the length of the transcripts and the complexity of the case and many issues raised in the docketing statement timely filed, it was not possible to complete the fast track statement in the seven (7) days this Court allows under NRAP 3E(f)(2); nor was it possible to complete the statement in the additional four (4) days this Court allowed counsel to complete the fast track statement. Therefore, there is merit to the request for additional time and the time requested is not excessive, as undersigned counsel has been diligently working toward completing the statement, and has completed the appendix which is filed in conjunction with this motion, in the time provided by this Court.

### **CONCLUSION**

There is merit to Stephanie and her counsel's request in that the transcripts requested took 56 days, the very date the statement and appendix was due, to be delivered. It was not possible, despite undersigned counsel's diligent and expedited efforts, to file the fast track statement in that time and in the additional four (4) days this Court granted Stephanie to complete the fast track statement.

Therefore, Stephanie and her counsel request that this Court extend time to file the fast track statement by December 13, 2021.

**DATED** Friday December 10, 2021.

/s/ Alex Ghibaudo  
ALEX B. GHIBAUDO, Nevada Bar No. 10592  
**ALEX B. GHIBAUDO, PC**  
*Attorney for Appellant*

**CERTIFICATE OF MAILING**

I certify that on the December 10, 2021, I served a copy of this SECOND REQUEST FOR AN EXTENSION OF TIME PURSUANT TO NRAP 3E(f)(3) upon Respondent through the Court's electronic service system to the following:

Brian Blackham, Esq.  
Ghandi Deeter Blackham  
725 S 8th St, Suite 210  
Las Vegas, NV 89101  
[brian@ghandilaw.com](mailto:brian@ghandilaw.com)  
P - (702) 878-1115  
*Attorney for Respondent*

Dated this 10<sup>th</sup> Day of December, 2021.

/s/ Alex Ghibaudo, Esq.

Alex B. Ghibaudo, PC