

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*

Electronically Filed  
Dec 13 2021 11:48 p.m.  
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 THIRD REQUEST  
FOR AN EXTENSION OF TIME  
PURSUANT TO NRAP 3E(f)(3)**

COMES NOW Appellant, Stephanie Rubidoux (“Stephanie”), and makes her **THIRD** 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 December 10, 2021, a total of four (4) additional days. On December 10, 2021 Stephanie made her second request for additional time and requested an additional three (3) days. Since the transcripts were received, that gave undersigned counsel 14 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. On December 6, 2021, undersigned filed a motion requesting four (4) additional days, a shortened period in an effort to expedite this matter, which this Court granted. On December 10, 2021, undersigned filed his second request for three (3) additional days in order to complete the fast track statement and filed the appendix in conjunction with that motion, to demonstrate to this Court that undersigned is diligently attempting to expedite this appeal. Now, counsel asks for one (1) additional day to file the fast track statement.

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 one (1) day of time 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 one (1) day to file his statement, to December 14, 2021. The appendices are complete and have been filed as of December 6, 2021.

### **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 seven (7) days this counsel has requested through the prior two (2) motions to extend time. Given the diligence demonstrated by counsel and Stephanie in attempting to expedite this process despite receiving extensive transcripts on November 29, 2021, only two (2) weeks ago, though those transcripts should have been received within 30 days, as Verbatim promises to do when transcripts are paid for (undersigned should have received those transcripts by November 5, 2021 – it would have been overly expensive for Appellant to pay for expedited service), there is merit to this request. Furthermore, 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 the last motion to extend time, filed three (3) days ago.

### **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 (7) days since then. Counsel request one (1) more day, to December 14, 2021 to file Stephanie's fast track statement.

**DATED** Friday December 13, 2021.

/s/ Alex Ghibaud

ALEX B. GHIBAUDO, Nevada Bar No. 10592

**ALEX B. GHIBAUDO, PC**

*Attorney for Appellant*

## **CERTIFICATE OF MAILING**

I certify that on the December 13, 2021, I served a copy of this THIRD 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 13<sup>th</sup> Day of December, 2021.

*/s/ Alex Ghibauda, Esq.*

---

Alex B. Ghibauda, PC