

DAVID STUCKE,
Appellant,
vs.
CHRISTINE STUCKE,
Respondent.

District Ct. Case No. E-19-0186

Electronically Filed
Nov 16 2021 05:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE ALTERNATIVE TO ACCEPT A LATE FILING

DATED this 16th day of November 2021



 FRED PAGE ESO

Attorney for Respondent/Cross-Appellant

1 **I. Appellant Should Receive an Extension of Time In Which to File Her**
2 **Fast Track Statement and Exhibit Appendix**

3 Appellant, Christine Stucke, respectfully requests that she receive an
4 extension of time in which to file her Fast Track Answering Fast Track Statement
5 and Opening Fast Track Statement for her Cross-Appeal. The Statement was
6 calendared to be due on November 16, 2021, based upon a review of Nevada Rules
7 of Civil Procedure 6. Because of counsel's extremely heavy work load, the Fast
8 Track Response and Cross-Appellant's Fast Track Statement were not completed
9 by November 16, 2021. When the clerk was contacted to request a telephonic
10 extension, it was advised that date in which the Statements were due was
11 November 15, 2021.
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15 **II.**
16 **GOVERNING LAW AND ARGUMENT**

17 NRAP 31 provides for extensions of time. Under NRAP 31, the Court will
18 grant a motion for extension of time for filing a brief only upon a clear showing of
19 good cause. No prior requests for an extension have been made. Counsel was
20 operating under Nevada Rule of Civil Procedure 6(a)(1) provides,
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23 When the period is stated in days or a longer unit of time:

24 (A) exclude the day of the event that triggers the period;

25 (B) count every day including intermediate Saturdays, Sundays, and
26 legal holidays; and
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1 Cross-Appellant's Fast Track Statement or a date the Court believes is just and
2 equitable.

3 DATED this 16th day November 2021
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5 PAGE LAW FIRM

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1 (C) include the last day of the period, but the last day is a Saturday,
2 Sunday, or legal holiday, the period continues to run until the end
3 of the next day that is not a Saturday, Sunday, or legal holiday.

4 When the days were calculated from October 26, 2021, counsel calculated
5 that the Fast Track Response and Fast Track Cross-Appeal Statement. As
6 indicated no prior requests for additional time have been made by
7 Respondent/Cross-Appellant.
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9 The Nevada Supreme Court has held repeatedly that matters should be
10 decided on their merits. There are numerous cases that stand for this proposition,
11 particularly for a domestic relations case such as this one. *See Price v. Dunn*, 106
12 Nev. 100, 787 P.2d 785, (1990) (Nevada's policy favoring decisions on the merits
13 is heightened in cases involving domestic relations matters); *Dagher v. Dagher*,
14 103, Nev. 26, 28, 731 P.2d 1329, 1330 (1997) (same). *See also, Leslie v. Leslie*, 1
15 113 Nev. 727, 941 P.2d 451 (1997); *Kahn v. Orme*, 108, Nev. 510, 516, 835 P.2d
16 790, 794 (1992)); *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150, 155, 380
17 P.2d 295 (1963).
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22 Based upon the foregoing, Appellant respectfully requests that Appellant be
23 granted an extension of 10 days in which to submit the Fast Track Response and
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Page Law Firm and that on November 16, 2021, I electronically filed with the Supreme Court a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S MOTION TO EXTEND TIME IN WHICH TO SUBMIT THE FAST TRACK RESPONSE AND CROSS-APPELLANT'S FAST TRACK STATEMENT AND TO SUBMIT THE EXHIBIT APPENDIX OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING.**

I further certify that on November 16, 2021, I served a true and correct copy of the above and foregoing **RESPONDENT/CROSS-APPELLANT'S MOTION TO EXTEND TIME IN WHICH TO SUBMIT THE FAST TRACK RESPONSE AND CROSS-APPELLANT'S FAST TRACK STATEMENT AND TO SUBMIT THE EXHIBIT APPENDIX OR IN THE ALTERNATIVE TO ACCEPT A LATE FILING** via e-service and U.S. Mail, postage prepaid, to the following:

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376 E Warm Springs Rd, Ste 140
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Attorney for Respondent

Israel "Ishi" Kunin, Esq.
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Las Vegas, Nevada 89145
Settlement Judge



An employee of Page Law Firm