

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

2 BARTHOLOMEW MAHONEY,

3 Appellant,

4 v.

5 BONNIE MAHONEY,

6 Respondent.

Supreme Court No. 82412, 82413

District Court Case No. D-13-477883-D

Electronically Filed
Feb 02 2022 09:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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10 **MOTION FOR EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON**
11 **APPEAL**
12 **(Second Request)**

13 Respondent, BONNIE MAHONEY, by and through her representative, Kimberly
14 A. Stutzman, Esq. of Radford J. Smith, Chartered, hereby moves for a one-day extension
15 of time for filing the Answering Brief.

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17 The Response was due by February 2, 2022. This is the second motion for
18 extension. The first was as a result of counsel's pre-term labor of her daughter. The one-
19 day request is made in good faith and not for purposes of delay. With a brief, one-day
20 extension, the Response would be due February 3, 2022.

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22 NRAP 31(b)(3) states in relevant part as follows:

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24 **(3) Motions for Extensions of Time.** A motion for extension of time for
25 filing a brief may be made no later than the due date for the brief and must
26 comply with the provisions of this Rule and Rule 27.

27 **(A) Contents of Motion.** A motion for extension of time for filing
28 a brief shall include the following:

 (i) The date when the brief is due;

- (ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary; and
- (v) The length of the extension requested and the date on which the brief would become due.

(B) Motions in All Appeals Except Child Custody, Visitation, or Capital Cases. Applications for extensions of time beyond that to which the parties are permitted to stipulate under Rule 31(b)(2) are not favored. The court will grant an initial motion for extension of time for filing a brief only upon a clear showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.

This case was originally filed in 2013. The parties engaged in extensive and contentious litigation though they later settled. Since that time, Appellant failed to timely pay Respondent, failed to participate in the post-trial litigation, then appeals a 64-page Findings of Fact, Conclusions of Law, and Judgment as well as a 16-page order granting fees and costs. In his Opening Brief, Appellants cites to several cases outside Nevada (state and federal cases) requiring extensive research and finalization of the Answering Brief. This case involves three issues, but the facts and law surrounding these issues are particular and distinct. Bonnie's counsel continues to work diligently on the Answering Brief, but due to the complexity of the case and its long history and the necessity to prepare a separate appendix, it required extensive time to conduct research on the law involving this matter and one additional day to finalize. As a result, the Brief requires additional time to complete, and Bonnie requests one additional day.

1 This motion follows, is made in good faith, and not for purposes of delay and the
2 parties will not be prejudiced by the 1-day extension.
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4 Though the Response is almost complete, counsel respectfully requests the
5 additional 1-day to finalize and electronically submit through the Supreme Court's
6 electronic filing system.
7

8 Dated this 2nd day of February 2022.
9

10 RADFORD J. SMITH, CHARTERED

11 /s/ Kimberly A. Stutzman
12 KIMBERLY A. STUTZMAN, ESQ.
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15 Henderson, Nevada 89074
16 *Attorneys for Respondent*
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CERTIFICATE OF SERVICE

I certify that on the 2nd day of February 2022, I served a copy of this MOTION FOR EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON APPEAL (Second Request) upon all counsel of record by the Nevada Supreme Court's electronic filing system:

Aaron Grigsby, Esq.
Attorneys for Appellant

/s/ Kimberly A. Stutzman

An Employee of Radford J. Smith, Chartered