

## BARTHOLOMEW M. MAHONEY, JR.,

Appellant,

V.

BONNIE MAHONEY,

Respondent.

Supreme Court Case No. 82412, 82413

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

Electronically Filed  
Nov 01 2021 01:59 p.m.

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Elizabeth A. Brown

Clerk of Supreme Court

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

Respondent, BONNIE MAHONEY, by and through her representative, Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq. of Radford J. Smith, Chartered, hereby moves for a ninety (90) day extension of time for filing the Answering Brief to the Appellant's Opening Brief, to February 2, 2021.

The Answering Brief is presently due by November 4, 2021 pursuant to the Order Granting Telephonic Extension filed October 19, 2021. This is the first motion for extension for the Answering Brief, but the second request. The request is made in good faith and not for purposes of delay.

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

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

**(A) Contents of Motion.** A motion for extension of time for filing 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.

Respondent's counsel, Kimberly A. Stutzman, Esq. had begun preparation of the Answering Brief and intended to file it by the current deadline. However, Respondent's counsel, Kimberly A. Stutzman, Esq. was approximately eight months pregnant at that time and due to deliver her child in December of 2021. Ms. Stutzman experienced pre-term labor over the holiday weekend, resulting in the birth of her child much earlier than expected. Ms. Stutzman was counsel for Respondent at all times during the District Court litigation that underlies the appeal and at all times during the present appeal. Ms. Stutzman is intimately familiar with the details of this case, while other lawyers within her firm are not.

Ms. Stutzman requires time to recover and complete her maternity leave before she can complete and file Answering Brief, or to adequately consult to with another attorney

1 in the firm to impart her specific knowledge of this case and the underlying facts  
2 necessary to complete the Brief. This motion follows, is made in good faith, and not for  
3 purposes of delay.  
4

5 DATED this 1 November 2021.

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7 RADFORD J. SMITH, CHARTERED

8 By: /s/ Radford J. Smith

9 RADFORD J. SMITH, ESQ.

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15 *Attorneys for Respondent/Cross-Appellant*  
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Aaron Grigsby, Esq.  
*Attorney for Appellant*

An employee of Radford J. Smith, Chartered