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Elizabeth A. Brown
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IN THE SUPREME COURT FOR THE STATE OF NEVADA

ADAM SOLINGER,

Appellant,

vs.

CHALESE SOLINGER,

Respondent.

Docket Number: 84832-COA

**RESPONDENT'S SECOND
MOTION TO EXTEND TIME TO
FILE FAST TRACK RESPONSE**

COMES NOW Respondent, Chalese Solinger, through her attorney, Alex Ghibaudo, Esq. of the law firm of Alex B. Ghibaudo, PC and files the following second motion to extend time to file a fast track response:

MEMORANDUM OF POINTS AND AUTHORITIES

As mentioned in the first motion to extend time, appellant has submitted an extensive appendix of exhibits consisting of 4,791 pages spread over 22 volumes. The case spans at just under four (4) years of litigation. In addition to that, however, the appellant's fast track statement is 64 pages in length (on October 19, 2022, the appellant was granted leave to file a fast track response not to exceed 30 pages in length or 14,000 words), 29 pages of which address factual contentions

concerning the minutiae of the claims, assertions, and contentions made by both parties throughout years of litigation and another 27 pages of legal analysis and argument, supported by 4,791 pages of exhibits, as previously mentioned.

The brief contains discussion of expert reports (66 pages alone devoted to one expert), blow by blow discussions of almost every motion filed in the matter, and 798 pages worth of transcripts, among a legion of other documents. As mentioned in the first motion for an extension of time, to put it generously, the record is extensive. The appellant's counsel did an excellent job and was thorough in his analysis and grasp of every fact, as the appellant sees it, in this case.

That being said, the appellant had 83 days to do so. Though it is not lost on the respondent and her counsel that the transcripts, all 798 pages worth, took Verbatim Reporting a great deal of time to prepare (it has happened before to undersigned counsel with Verbatim), the appellant was still privy to the record below – including all documents in PDF format and all videos of hearings and trial to prepare in that time – the transcripts contain only 798 pages of out of a total of 4,791 pages containing the record below.

The respondent's counsel, as with the appellant's counsel, was not the trial attorney in the district court proceedings – Michancy Cramer, Esq. was (though she did work for undersigned counsel, undersigned was not involved with the day to day handling of the matter). Therefore, undersigned counsel is, as the appellant's counsel was, at a disadvantage in that the record below, extensive as it is, is not entirely familiar to undersigned counsel.

Moreover, the length of the fast track statement departs from the norm: whereas normally a fast track statement cannot exceed 16 pages (NRAP 3E(d)(2) in length or 7,267 words (See NRAP 3E(e)(2), the appellant's fast track statement, as mentioned above is 64 pages long (58 of which contain the substantive portion of the pleading) and 4,791 pages containing the record below.

Though undersigned the respondent and her counsel were given 21 days under the rules, in addition to 24 days by telephonic extension and motion to extend time for a total of 45 days it has not been enough. This is especially the case because the appellant devoted to 29 pages of factual assertions that the respondent does not entirely agree with, necessitating a complete and thorough review of the record. Respondent's counsel has gone far in the time provided by this Court to complete the fast-track response. However, the respondent's counsel requests an additional week to complete the respondent's fast-track response.

LEGAL ANALYSIS

Under NRAP 3E(f)(3) this Court may extend the time to file a fast-track statement/response if there is merit to the request. Here, the extent of the record, the length of the fast track statement and its appendix, and the shortened period of time provided to complete the fast track response, many of those days over the holidays (Christmas and the New Year) made it extraordinarily difficult to review the entirety of the record compiled by the appellant and prepare the fast track response without rushing the matter to the detriment of the respondent, though the respondent's counsel has gone a long way to completing the response.

Finally, as mentioned in the prior motion, the time constraint was exacerbated by undersigned counsel's former associate, who was assigned this matter at the district court, leaving the firm on December 5, 2022. It has taken a great deal of time to absorb the cases assigned to her in undersigned counsel's office while at the same time devoting the time, effort, and resources to this undertaking which, as stated above, is not the norm in length, extent of the record, and complexity.

CONCLUSION

For the foregoing reasons, and pursuant to the Rule cited above, there is merit to the respondent's request. Therefore, the respondent requests permission to file the necessary fast track response no later than January 13th, 2023.

Respectfully submitted this 6th day of January, 2023.

//s// Alex Ghibaudo

Alex Ghibaudo, Esq., Nevada Bar No. 10592
ALEX B. GHIBAUDO, PC

CERTIFICATE OF MAILING

Pursuant to NRAP 25(c)(1) and NEFCR 9, I certify that on the 6th day of January, 2023, that I caused to be served the foregoing SECOND MOTION TO EXTEND TIME TO FILE A FAST TRACK RESPONSE through the Nevada Supreme Court's electronic filing system to the following:

Vincent Mayo, Esq.
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Dated this 6th Day of January, 2023.

/s/ Alex Ghibaudo, Esq.

Alex B. Ghibaudo, PC