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Harris, and as Successor Trustee of the
Thomas J. Harris Trust*

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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE
OF THOMAS JOSEPH HARRIS,
DECEASED,

Supreme Court Case No.
86096

District Court Case No.
2022-PB-00119

TODD ROBBEN,

Appellant,

vs.

THE ESTATE OF THOMAS JOSEPH
HARRIS, AND THOMAS J. HARRIS
TRUST,

Respondents.

_____/

REQUEST FOR LEAVE OR EXTENSION TO RESPOND TO
AND/OR OPPOSE MOTIONS, IF REQUESTED

The Estate of Thomas J. Harris, by and through its Personal Representative, the Honorable Tara M. Flanagan (the "Estate"), and the Thomas J. Harris Trust, by and through its Successor Trustee, Ms. Flanagan, (the "Trust") jointly request leave of this Court to substantively oppose or respond to recent motions filed by the Appellant, if the recent motions are not summarily disposed of by the Court, and if requested by the Court.

Specifically, on August 31, 2023, the Appellant filed “Appellant’s Motion for Extraordinary Relief,” and “Appellant’s Ex Parte Motion to Expedite” (collectively referred to herein as Appellant’s “Motions” or “Appellant’s August 31, 2023 Motions”). The Respondents wish to avoid incurring unnecessary attorney’s fees and costs, as well as avoid filing unnecessary documents which cloud the Cour’s docket. Still, the Respondents object to the content of the Motions, and deny all allegations of wrongdoing by the Respondents and their Counsel contained in the Motions. Thus, the Respondents file this Request for leave with the Court, requesting the opportunity to file a response and/or an extension of time in which to traverse or otherwise oppose the August 31, 2023 Motions if they are not summarily disposed of by this Court, and if requested by this Court.

In presenting this Request, the Respondents refer to NRAP 27, NRAP 46, and NRAP 26(b)(1)(A).

NRAP 27(a)(3)(A) provides a response to a motion is not required, but is permissive, stating “any party *may* file a response to a motion. . .” Likewise, and notably, NRAP 46A(c) addresses responses to motions filed by a party appearing without counsel – as is the case with the Appellant. NRAP 46A(c) states “[a]n opposing party is *not* required to respond to documents, including briefs, filed by a party appearing without counsel *unless ordered to do so by the Supreme Court or Court of Appeals*. Except for motions described in Rule 27(b) and 46(d), *the court generally will not grant relief without providing an opportunity to file a response.*” (emphasis added). Finally, NRAP 26(b)(1)(A) allows the Court, for good cause, to extend the time prescribed by the Rules.

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Pursuant to the foregoing, and in accordance with the applicable rules of appellate procedure, the Respondents request leave of this Court to respond to or oppose Appellant's August 31, 2023 Motions if they are not summarily disposed of by the Court, and if requested to do so by this Court. The Respondents make this request as part of their ongoing effort to save attorney's fees and costs, respect judicial economy, and in consideration of the circumstances of this case.

DATED this 7th day of September 2023.

By: /s/ F. McClure Wallace.
F. McClure Wallace, Esq.
Patrick R. Millsap, Esq.
Attorneys for Tara M. Flanagan

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of *WALLACE & MILLSAP* that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary course of business practices as follows:

Todd Robben
P.O. Box 4251
Sonora, California 95370

DATED this 7th day of September 2023.

By: /s/ *Caroline Carter*.

Employee of Wallace & Millsap