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FILED

AUG 15 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIMBERLY WHITE,
Appellant,

VS.

TAMIKA BEATRICE JONES,
Respondent.

Case No.: 86500
District Court Case No. D594413

OPPOSITION

**APPELLANT'S OPPOSITION TO RESPONDENT'S MOTION FOR AN
EXTENSION OF TIME TO FILE FAST TRACK RESPONSE AND TO
EXCEED THE PAGE LIMIT**

COMES NOW, Appellant, Dr. Kimberly White, and enters this opposition to the Respondent's motion for an extension of time.

Respondent makes the claim that she needs more time to prepare her response as there was a deficiency in the record as transmitted by the District Court, and this deficiency was only discovered on Aug. 8th. Rule 3E(d)2 states in part:

Within 21 days from the date a fast track statement is served, the respondent and cross respondent shall file an original and 1 copy of a fast track response and serve 1 copy of the fast track response on the opposing party. The fast track response shall substantially comply with Form 13 in the Appendix of Forms.

The fast track response shall not exceed 11 pages in length or shall comply with the type-volume limitations stated in Rule 3E(e)(2).

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The fast track response shall include additional authority and factual information necessary to rebut the contentions in the fast track statement.
(Highlights added)

As to the Respondent's allegation of the record being incomplete, even if it were, it would be a moot point. There are no contentions at any time in the Fast-Track statement alluding to anything in the Mandamus filing. As the rule states, the response is to rebut the contentions made in the fast track statement. The Mandamus Writ filing is at no time brought into question in the fast track statement.

She is further claiming that the Appellant went grossly over the page count in her Fast-Track statement. This is patently untrue on its face. As the rule so eloquently states, the statement is to comply with Rule 3E(e)(2), which reads:

(2) Type-Volume Limitation. The size of a fast track filing may be calculated by type-volume in lieu of page limitation. Using a type-volume limitation, **a fast track statement is acceptable if it contains no more than 7,267 words** or 693 lines of text. **A fast track response is acceptable if it contains no more than two-thirds the type-volume specified for a fast track statement (4,845 words** or 462 lines of text); and a fast track reply or supplement is acceptable if it contains no more than 2,333 words or 216 lines of text.

The appellant's statement contains 6762 words and is in complete compliance with the rule. There is no page overage as the Type-Volume calculation is 505 words under the limit. Therefore, there is no overage in the size of the statement.

Respondent has not met the burden of showing a "demonstration of extreme need or merit," as shown in Rule 3E(f)3, which states in part:

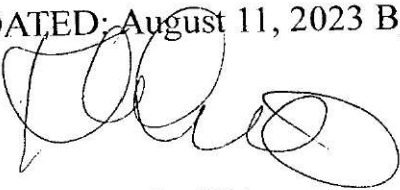
Extensions of time for the filing of fast track statements, responses, and replies **shall be granted only upon demonstration of extreme need or merit.**

Sanctions may be imposed if a subsequent motion for an extension of time is brought without reasonable grounds.

There is no overage in the page count of the statement, as proven by running a word count in MS Word. Further, the Respondent has no reason for additional time to complete an appendix as the documents in question are not addressed in the appeal statement. And not in any way the subject matter of this appeal.

THEREFORE, Respondent's motion should be denied, and an answer should be directed forthwith. This is supported by rule 3e(d)2 and rule 3E(f)3 of the NRAP. There are no reasonable grounds for bringing this motion or by extension, to grant it.

DATED: August 11, 2023 By:

A handwritten signature in black ink, appearing to be 'K. White', written over the 'Dated' line.

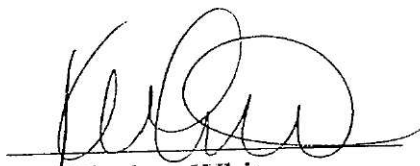
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 11th, 2023, I submitted the foregoing APPELLANTS OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE FAST TRACK RESPONSE AND TO EXCEED THE PAGE LIMIT by US Mail to the Clerk of the Nevada Supreme Court. I further served a copy of the foregoing upon Respondent by depositing a copy of the same in a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and addressed

to:

MARK J. MCGANNON
MCGANNON LAW OFFICE, PC
5550 PAINTED MIRAGE RD STE. 320
LAS VEGAS, NV 89149


Dr. Kimber White