

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

LUKE HATCH,

Appellant,

vs.

KAYCE HATCH,

Respondent.

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Dec 11 2023 05:41 PM  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court Case No. 87169

**APPELLANT’S (FIRST) MOTION TO EXTEND TIME FOR THE FILING  
REQUEST FOR TRANSCRIPTS**

Pursuant to NRAP 31(b)(3), Appellant, by and through his attorney of record, BRET O. WHIPPLE, ESQ., of the JUSTICE LAW CENTER, hereby moves for his first motion for extension of time for the filing the Request for Transcript in the above referenced matter. The Request for Transcript was due on November 28, 2023. Appellant filed his Request for Rough Draft Transcript with the Seventh Judicial District Court on November 29, 2023, and filed the file-stamped copy of said request with the Supreme Court on December 1, 2023. A Notice of Rejection of said Transcript Request was issued on December 4, 2023, noting that Appellant improperly filed the request for rough draft transcripts, and requiring a corrected

transcript request within 5 days from the date of the notice. Five (5) days expired on Saturday, December 9, 2023, which was not a judicial day and thus, the expiration was extended until Monday, December 11, 2023.

The request for transcripts was, inadvertently, titled as a Request for Rough Draft Transcript, even though it contained the language applicable to requesting the transcript for the evidentiary hearing, held in the Seventh Judicial District Court, on May 3, 2023. In addition, given the location of the Seventh Judicial District Court in Lincoln County is Pioche, NV, as well as the fact that the Seventh Judicial District Court does not utilize electronic filing of any kind, Appellant's counsel had to have one of his staff personally drive to Pioche, Nevada, to file the same.

The Seventh Judicial District Court has already provided Appellant with a CD containing the video which will allow Appellant to have the same transcribed and filed with the District Court, which Appellant has already arranged to have done.

The correct transcript request is now being filed concurrently with this motion to extend time for filing transcripts. In addition, because the deadline to file the Request for Transcripts had already passed, a request for extension of time to file the Transcript Request is required. The requested extension of three (3) judicial days from the original due date creates a new due date of December 1, 2023, which is the date on which Appellant submitted the original transcript request.

Accordingly, a new due date of **December 1, 2023** is hereby being requested.

Pursuant to Nevada Rule of Appellate Procedure 31(b)(3):

**(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.

**(C) Motions in Child Custody or Visitation Cases.** The court will grant a motion for extension of time for filing a brief in child custody or visitation cases only in extraordinary cases that present unforeseeable circumstances justifying an extension of time

**(D) Motions in Capital Cases.** The Supreme Court may grant an initial motion for an extension of time of up to 60 days for filing a brief in a capital case upon a showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.””

Good cause justifies the requested three (3) judicial day extension. Specifically, because the Seventh Judicial District Court in Lincoln County does not allow any type of electronic filing, it was necessary for Appellant's counsel to have an employee physically drive to Pioche, NV, to file said request, which took longer than anticipated.

For these reasons, Appellant respectfully requests a three (3) judicial day extension in this case, from the original due date, which would create a new due date for the Transcript Request of **December 1, 2023.**

### **AFFIRMATION**

The undersigned does hereby affirm that the foregoing document does not contain any social security number of any person.

DATED on this 11<sup>th</sup> day of December, 2023.

### **JUSTICE LAW CENTER**

/s/ Bret O. Whipple  
BRET O. WHIPPLE, ESQ.  
Nevada Bar #6168  
1550 S. Wells Ave. Suite #100  
Reno, NV 89502  
Attorney for Appellant

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the date set forth below by:

\_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope,  
postage prepaid for collection and mailing in the United States Mail at Reno,  
Nevada, as follows:

\_\_\_\_\_ Personal Delivery  
\_\_\_\_\_ Facsimile (Fax)  
\_\_\_\_\_ Federal Express or other overnight delivery  
\_\_\_\_\_ Bootleg Courier Company or other courier  
\_\_\_\_\_ Certified Mail, Return Receipt Requested  
  X   Eflex Electronic Filing System

Addressed to: Byron Mills, Esq.  
Mills & Anderson

DATED on this 11<sup>th</sup> day of December, 2023.

/s/ Jeanne Metzger  
An Employee of JUSTICE LAW CENTER