

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

NONA TOBIN, AN INDIVIDUAL,

Appellant,

v.

JOEL A. STOKES, AN INDIVIDUAL,  
JOEL A. STOKES AND SANDRA F.  
STOKES, AS TRUSTEES OF  
JIMIACK IRREVOCABLE TRUST,  
AND JIMIACK IRREVOCABLE  
TRUST,

Respondents,

Electronically Filed  
Jul 28 2021 04:37 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court No. 82294**  
District Court Case No. A-19-  
799890-C

**THIRD MOTION TO EXTEND TIME TO FILE**  
**OPENING BRIEF AND APPENDIX**

COMES NOW, Appellant NONA TOBIN, by and through her attorney, JOHN W. THOMSON, ESQ. of THOMSON LAW PC, and hereby submits this Third Motion to Extend Time to File Opening Brief and Appendix. This Motion is based on the pleadings and papers on file with the Court, and the Points and Authorities attached.

DATED this 28<sup>th</sup> day of July, 2021.

**THOMSON LAW PC**

*/s/ John W. Thomson*  
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JOHN W. THOMSON, ESQ.  
Nevada Bar No. 5802  
2450 St. Rose Pkwy, Ste 120  
Henderson, NV 89074  
*Attorney for Appellant Nona Tobin*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. SUMMARY OF MOTION**

The present matter is an appeal from the eighth judicial district court. Nona Tobin filed her Notice of Appeal as an individual on November 9, 2020. The Nevada Supreme Court issued an Order Removing from Settlement Program and Reinstating Briefing on February 22, 2021. Ms. Tobin's Opening Brief and Appendix was due on April 8, 2021. Appellant filed a Motion to Extend Time to File Opening Brief on March 31, 2021. On April 1, 2021, the Court granted Appellant's Motion extending time to file her Opening Brief to May 10, 2021. Appellant needs more time to prepare her Opening Brief and Appendix.

A second Motion to Extend time was filed on June 25, 2021 and an Order granting the Motion was issued on July 6, 2021, giving Appellant until July 28, 2021 to file the Opening Brief and Appendix.

This Third Request, although unusual, is warranted due to Thomson Law PC's extraordinary circumstances and extreme need to hire qualified staff due to the shortage of labor based on the pandemic. Thomson Law PC hired four paralegals/legal assistants since the first request was made, and three of them have been unable to keep their work commitments due to health and other unforeseen events. Thomson Law PC's recent and lengthy staffing issues have now been resolved.

Since the last request, a Stipulation and Order was sent to all counsel asking for the courtesy of an extension. Steven Scow, Esq. of the Law Office of Kock & Scow, representing the Movant/Defendant/Respondent has agreed to the extension. Brittany Wood, Esq., representing Joinder/Defendant/Respondent was unable to obtain her client's permission but has represented in writing that she will not oppose this motion.

## **II. LEGAL ARGUMENT**

NRAP 26(b)(1)(A) states:“(b) **Extending Time. (1) By Court Order (A)** For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.” Pursuant to NRAP 31(b)(3)(B), the court shall be permitted to extend time if Tobin demonstrates extraordinary and extreme need.

This Court has discretion to extend the time for Ms. Tobin to file her Opening Brief and Appendix. Ms. Tobin has extraordinary circumstances and extreme need for an extension of time: 1) Due to a heavy caseload and backlog of the courts due to the pandemic, appellant's attorney, a sole practitioner, needs additional time to complete the brief; and 2) paralegal for appellant's attorney retired in April 2021, and since that time Tobin's counsel has hired four paralegals/legal assistants, but three of them have been unable to fulfill their employment commitments. The most recent hire is in training; which in turn has delayed work on some matters. In twenty-

six years of practice, this situation has never happened to Tobin’s attorney. Appellant respectfully requests a final additional thirty-day extension of time until August 26, 2021.

**III. Conclusion**

WHEREFORE, Appellant Nona Tobin by and through her attorney of record, John W. Thomson, respectfully asks this Court to enter an order granting her an extension of time to file her Opening Brief and Appendix at the earliest date by August 26, 2021.

Dated this 28<sup>th</sup> day of July, 2021.

THOMSON LAW PC

By: /s/ John W. Thomson  
JOHN W. THOMSON, ESQ.  
Nevada Bar No. 5802  
2450 St. Rose Parkway, Suite 120  
Henderson, Nevada 89074  
*Attorney for Appellant Nona  
Tobin as an individual*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies on July 28, 2021, a true and correct copy of **APPELLANT NONA TOBIN'S THIRD REQUEST TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX** was served via the Court's Eflex service system.

/s/ Maria Collins  
An employee of the Thomson Law PC