

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE STATE OF NEVADA,)
)
 Appellant,)
)
 vs.)
)
 ANDREW YOUNG,)
)
 Respondent.)
_____)

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Elizabeth A. Brown
Clerk of Supreme Court
Case No. 83243-COA

MOTION TO ENLARGE TIME TO FILE
PETITION FOR REHEARING

COMES NOW Respondent, ANDREW YOUNG, by and through his attorney, DIANE LOWE, ESQ., and moves this Honorable Court for an enlargement of time within which to file a Petition for Rehearing in the above entitled case.

This Motion is based upon the following Memorandum, Declaration and all papers and pleadings on file herein.

DATED this 29th day July, 2023.

LOWE LAW, L.L.C.

By /s/ Diane C. Lowe
Diane C. Lowe, Esq
Lowe Law, LLC
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Las Vegas, NV 89131
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ARGUMENT

On July 20, 2023, this Honorable Court issued an Order Affirming in Part and Reversing in Part the appeal submitted on behalf of Mr. Young. After reviewing the Order, prior attorney Jason Margolis, Esq. determined that a Petition for Rehearing is necessary.

NRAP 40(a)(1) provides that a petition for rehearing may be filed within eighteen (18) days after the filing of the Courts decision. NRAP 16(b) allows this Court to enlarge the time prescribed upon a showing of good cause.

Under the time frame set forth above, Mr. Young's Petition for Rehearing will be due by Monday, August 7, 2023. However I have recently been appointed to this case on July 26, 2023 given Jason Margolis has accepted an employment opportunity at the State of Nevada Attorney General's Office and Nancy Lemke with Southern Nevada Legal Aid Center. Accordingly, I will not be able to draft and file Mr. Young's Petition for Rehearing by August 7, 2023 because the record is lengthy and it will take time to review and draft the Petition. I also have briefs due on other cases in the upcoming months.

Therefore, I am asking to enlarge the time for filing a Petition for Rehearing 63 days from August 7, 2023 to October 9, 2023 to allow sufficient time to prepare and submit the appropriate briefing to this Honorable Court.

DATED this 28th day July, 2023.

Respectfully submitted,

LOWE LAW, L.L.C.

By /s/ Diane C. Lowe

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DECLARATION OF DIANE LOWE, ESQ.

1. I, DIANE LOWE, am a duly licensed attorney in the State of Nevada and am employed at Lowe Law, LLC. I have just been appointed to be counsel for Appellant Andrew Young. I have spoken with him and he has approved this.

2. On July 20, 2023, this Honorable Court issued an Order Affirming in Part and Reversing in Part the appeal submitted on behalf of Mr. Young. After reviewing the Order, Mr. Margolis determined that a Petition for Rehearing is necessary. Pursuant to NRAP 40(a)(1), that Rehearing Petition will be due by Monday, August 7, 2023.

3. However, I just accepted this case and have not had the opportunity to review the lengthy record. I also have upcoming briefs due on other cases in the upcoming months. Accordingly, I will not be able to draft and file Mr. Young's Petition for Rehearing by August 7 2023.

4. Therefore, I am asking to enlarge the time for filing a Petition for Rehearing 63 days to October 9, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 28th day of July, 2023.

/s/ Diane C. Lowe
DIANE C. LOWE

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 28TH day of JULY, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
ALEXANDER CHEN

BY: /s/ DIANE C. LOWE
LOWE LAW LLC