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9
10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

FILED

FEB 24 2009

11 * * * *

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Milton*
DEPUTY CLERK

12 **FRANCHISE TAX BOARD OF THE**
13 **STATE OF CALIFORNIA,**

Case No.: 53264

14 **Appellant,**

**RESPONDENT GILBERT P. HYATT'S
MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO SERVE AND FILE
OPPOSITION TO APPELLANT'S MOTION
FOR STAY PENDING APPEAL WITHOUT
BOND**

15 **v.**

16 **GILBERT P. HYATT,**

17 **Respondent.**

18
19 Respondent Gilbert P. Hyatt respectfully moves this Court for an extension of time
20 within which to serve and file written opposition to appellant's "motion for stay pending appeal
21 without bond." Respondent requests an extension of ten days, to and including March 12, 2009.

22 On February 18, 2009, appellant served by mail its motion for a stay pending appeal
23 without bond. Pursuant to NRAP 27(a) and NRCP 6(e), respondent's opposition to the motion
24 is due on or before March 2, 2009 (seven judicial days plus three calendar days after mail
25

26 served of the motion). Due to the complex nature of this matter (a multimillion dollar judgment
27 entered after more than a decade of litigation and a four month trial), respondent will not be able
28 to fully and fairly oppose the motion within the short period of time specified by the rules.

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1 The district court orally pronounced its ruling granting appellant a stay pending appeal,
2 but only upon the posting of a supersedeas bond, at a hearing on January 29, 2009. The district
3 court's written order memorializing the decision was entered on February 9, 2009. Thus,
4 appellant had twenty days from the date the district court announced its judgment to prepare and
5 file its thirty-nine page motion, supported by three volumes of exhibits. Respondent suggests
6 that he will require at least an equal amount of time to prepare a complete, fair and proper
7 opposition, and to support that opposition with necessary additional exhibits, which will have to
8 be identified. Therefore, respondent respectfully requests that he be given an additional ten (10)
9 calendar days from the current response date of March 2, 2009, so that respondent's opposition
10 would be due on or before March 12, 2009. Respondent believes that it would be both equitable
11 and necessary for the extra time to be granted in order for respondent to be able to properly
12 address the issues set forth in the motion.
13
14

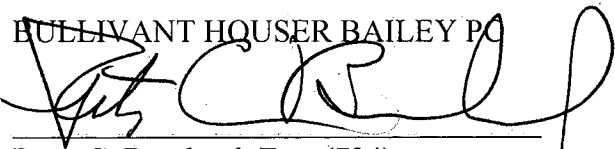
15 Respondent notes that this requested, short extension will cause no prejudice to
16 appellant. Pursuant to a stipulated order entered by the district court on November 21, 2008,
17 execution on the judgment is stayed until this Court resolves appellant's present motion for a
18 stay without bond. Copy attached, Exhibit A. Therefore, the only party prejudiced by delay is
19 respondent, whose right to execute on the judgment is delayed a short time in order to allow him
20 a fair opportunity to oppose appellant's motion, and for this Court to decide the motion.
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1 This motion is not entered for purposes of delay or any other improper reason.
2 Appellant simply seeks a sufficient extension of time to allow him to fairly oppose appellant's
3 motion.

4 Dated this 23 day of February, 2009.

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of BULLIVANT HOUSER BAILEY PC and that on this 23rd day of February, 2009, I caused the above and foregoing document entitled **RESPONDENT GILBERT P. HYATT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO SERVE AND FILE OPPOSITION TO APPELLANT'S MOTION FOR STAY PENDING APPEAL WITHOUT BOND** to be served as follows:


- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas Nevada; and/or
- Pursuant to EDCR 7.26, to be sent via facsimile; and/or
- to be hand-delivered;

to the attorney(s) listed below at the address and/or facsimile number indicated below:

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