

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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4 LUIS A, HIDALGO, JR.

5 Appellant,

6 vs.

7 THE STATE OF NEVADA

8 Respondent.

CASE NO. 54209
Electronically Filed
Sep 06 2011 04:43 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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10 **LUIS A. HIDALGO, JR.'S MOTION FOR EXTENSION**
11 **OF TIME TO FILE REPLY BRIEF**
12 **(Second Request)**

13 COMES NOW Appellant, Luis A. Hidalgo, Jr., (hereinafter "Hidalgo Jr.") by and
14 through his counsel, Dominic P. Gentile, Esq., of the law firm of Gordon Silver, and files this
15 Motion for Extension of Time to file Reply Brief based upon NRAP 31(a)(1) and NRAP 26(d).

16 NRAP 26(d) states, in pertinent part, that "time provided in any of theses rules within
17 which an act shall be done, may be extended or shortened . . . by order of the court or a justice
18 thereof upon good cause shown. NRAP 26(d). Further, NRAP 31(a)(1) states, in pertinent part,
19 that "[a]pplications for extensions of time beyond that which the parties are permitted to stipulate
20 . . . will be considered only on motion for good cause clearly shown, or ex parte in cases of
extreme and unforeseeable emergency." NRAP 31(a)(1).

21 This Motion is made and based on the following:

22 1. The State filed a fifty-one page Answering Brief addressing each of the arguments
23 raised in Mr. Hidalgo Jr.'s Opening Brief. Because Mr. Hidalgo Jr.'s Opening Brief raised
24 complex issues of first impression, the State's Answering brief set forth legal arguments that are
25 very nuanced and thus require a significant amount of research and analysis. Therefore, Mr.
26 Hidalgo Jr. requires more time to competently reply to each of the State's arguments.

27 2. In the matter of Georges Tannoury, M.D., P.C. v. Pilar Fernandez, D.C., District
28 Court Case No. C571770, Depart XIII, Clark County, Nevada, Counsel for Appellant had

1 depositions scheduled on August 23, 2011, in Salt Lake City, Utah, and on August 30, 2011, in
2 Las Vegas, Nevada; further, depositions have been noticed in this matter for September 8,
3 September 9, September 12, and September 14, 2011. Discovery cutoff in this matter is
4 scheduled for September 16, 2011, with trial scheduled for January 24, 2011.

5 3. In the matter of Georges Tannoury, M.D., P.C., et al. v. Michelle Stacey, M.D., et
6 al., Nevada Supreme Court Case No. 58321, counsel for Appellant has a Nevada Supreme Court
7 Mediation scheduled for September 14, 2011, at 10:00 a.m.; this mediation hearing is scheduled
8 to last the entire day. In preparation for the mediation, counsel for Appellant was required to
9 submit a mediation brief on September 1, 2011.

10 4. In the matter of OB1, Stephen Kalish v. Mark James, et al., there are depositions
11 scheduled for September 14 and September 15, 2011, in Irvine, California; and depositions have
12 been scheduled for September 21 and 22, 2011 in Las Vegas, Nevada.

13 5. Counsel for Appellant currently has a trial scheduled to commence on September
14 26th, 2011 in the matter of State of Nevada v. Julian Raiford, District Court Case No. C262880,
15 Department V, Clark County, Nevada. The Defendant is charged with (1) Robbery With Use of
16 a Deadly Weapon,(2) Burglary While in Possession of a Deadly Weapon, (3) Conspiracy to
17 Commit Robbery; (4) Attempt Burglary; (5) Possession of Stolen Property, and (6) Unlawful
18 Possession of a Firearm. The trial is scheduled to last approximately 5 to 7 days. In preparation
19 of this trial, counsel has spent significant time preparing pretrial motions.

20 6. Counsel for Appellant also has trial scheduled to commence on October 10,, 2011
21 in the matter of R.D. Prabhu-Lata K. Shete v. Theresa McKnight et al, District Court Case No.
22 A611357. The deadline to file disposition motions was August 19, 2011 and the deadline to file
23 motions in limine was August 26, 2011. Thus, counsel for Appellant has spent significant time
24 on motion practice in this case during the month of August.

25 7. This motion is made in good faith and not for purposes of delay.

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8. Counsel asks this Court to grant an additional 30 days from September 6, 2011,
within which to file Appellant's Answering Brief.

Dated this 6th day of September, 2011.


GORDON SILVER


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CERTIFICATE OF SERVICE

The undersigned, an employee of Gordon Silver, hereby certifies that on the 4 day of September, 2011, she served a copy of the LUIS A. HIDALGO, JR.'S MOTION FOR EXTENSION OF TIME TO REPLY BRIEF, by Electronic Service, in accordance with the Master Service List as follows:

Nancy A. Becker
Chief Deputy District Attorney
Regional Justice Center
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ADELE L. JOHANSEN, an employee of
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