

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNY RISH,

Appellant,

vs.

WILLIAM JAY SIMAO, individually; and
CHERYL ANN SIMAO, individually and as
husband and wife,

Respondents.

Case Nos. 58504

59208.
Electronically Filed
Dec 05 2012 09:34 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE RESPONDENTS' ANSWERING BRIEF

COME NOW respondents, acting by and through their counsel, David T. Wall, of the law firm of Eglet Wall, and hereby move the Court to enter its order granting them a 30-day extension of time within which to file and serve their answering brief.

FACTS

Pursuant to NRAP 31(b)(3)(A), the following information is provided:

- i. The answering brief is currently due on December 5, 2012.¹
- ii. The previous due date for the answering brief was November 5, 2012, but respondents timely moved a second 30-day extension of time. The original due date October 4, 2012, and the parties stipulated to a 30-day extension.
- iii. No extension requests other than those mentioned above have been denied, or

¹This is the date on which the brief would be due if respondents' previous motion for extension is granted, but no order has yet been entered on such motion. No opposition to such motion was filed.

denied in part:

iv. The reasons an extension is necessary are that the appellant's opening brief consists of 20,136 words and the appellant's appendix is comprised of 22 volumes consisting of over 5,000 pages.

Finally, one of the other attorneys who bears principal responsibility for preparation of the initial drafts of respondents' answering brief has recently learned that his 10 year old child requires imminent surgery. This attorney's work on the answering brief has proceeded, but has been impeded by doctor appointments, scheduling the surgery, and dealing with his son's emotional issues arising from the impending operation.

v. Respondents seek a 30-day extension, pursuant to which their answering brief would be due on January 4, 2013.

The current draft of the answering brief consists of approximately 8,000 words, so substantial progress is being made. Further, it is anticipated that appellant will not oppose the instant motion, in that she sought and was granted multiple time extensions in the process of preparing her oversized opening brief.

ARGUMENT

NRAP 31(b)(3)(B) provides that an extension of time, beyond which the parties are permitted to stipulate, will be granted upon a clear showing of good cause. The work on respondents' answering brief is proceeding, with significant progress having been made. This progress has been made despite the enormity of the project – opposing a brief that is nearly one-and-a-half times as long as allowed by NRAP 32(a)(7)(A)(ii) – and the very

difficult circumstances caused by an unfortunate convergence of time-intensive deadlines.

NRAP 31(b)(3)(B) also provides that additional extensions may be granted upon a showing of extraordinary circumstances and extreme need. It is respectfully submitted that the aforementioned circumstances, when considered in light of the unforeseen family medical issue, also militate strongly in favor of granting respondents' motion.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the Court should enter its order granting respondents an extension of time, to and including January 4, 2013, within which to file and serve their answering brief.

DATED this 5th day of December, 2012.

EGLT WALL

/s/ David T. Wall
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 5th day of December, 2012. Electronic service of the foregoing MOTION FOR EXTENSION OF TIME TO FILE RESPONDENTS' ANSWERING BRIEF shall be made in accordance with the Master Service List as follows:

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