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Tracie K. Lindeman
Clerk of Supreme Court

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

9 RICHARD A. HUNTER, an individual,

10 Appellant,

Case No.: 59691

11 vs.

12 WILLIAM GANG, an individual,

13 Appellee.
14

Appeal from the Eighth Judicial
District Court, The Honorable Douglas
E. Smith Presiding.

15 **MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF**

16 Pursuant to Rule 31(b)(3) of the Nevada Rules of Appellate Procedure,
17 Appellee William Gang hereby requests that the Court extend the time for filing
18 his Answering Brief 45 days.

19 **I. ARGUMENT**

20 NRAP 31(b)(3) governs motions for extensions of time for filing briefs,
21 and sets forth the requirements Gang must satisfy for the Court to grant this
22 Motion.
23

1 **A. COMPLIANCE WITH NRAP 31(b)(3).**

2 Gang's Answering Brief is currently due December 30, 2013. Gang is
3 making this Motion on December 30, 2013. Thus, Gang is making this Motion
4 no later than the due date for his Answering Brief and is in compliance with
5 NRAP 31(b)(3).

6 **B. COMPLIANCE WITH NRAP 31(b)(3)(A) – CONTENTS OF**
7 **MOTION.**

8 NRAP 31(b)(3)(A) requires motions for extensions of time to include the
9 following:

10 **1. The date when the brief is due.**

11 Gang's Answering Brief is due December 30, 2013.

12 **2. The number of extensions of time previously granted**
13 **and, if extensions were granted, the original date when**
14 **the brief was due.**

15 The Court has granted four prior requests to extend the time for the
16 Answering Brief, which requests the Parties made in the form of stipulations.
17 However, because NRAP 31(b)(2) limits extending time pursuant to stipulation
18 to 30 days, the Court has construed the stipulations as unopposed motions for
19 extension of time.

20 The original date that the Answering Brief was due was September 16,
21 2013. Pursuant to the Order Reinstating Briefing, the Answering Brief was due
22 August 14, 2013. However, the Parties filed a stipulation extending the time for
23 the Opening Brief making it due August 14 and the Answering Brief due 30
days thereafter (September 16 was the first judicial day following 30 days after

1 August 14). Thus, due to the extension of time for the Opening Brief, the
2 Answering Brief was originally due September 16, 2013.

3
4 **3. Whether any previous requests for extensions of time
have been denied or denied in part.**

5 The Court has not denied, in part or otherwise, any prior requests for
6 extensions of time. Further, the Parties have not opposed any prior requests
7 each other has made to extend the time for the brief due dates.

8 **4. The reasons or grounds why an extension is necessary.**

9 The Parties remain in the final stages of settlement discussions.
10 Immediately prior to the Holidays, the Parties were working on potentially
11 finalizing the terms and related documents of a settlement. However, due to the
12 holidays, the discussions have now slowed. And, Gang anticipates that the final
13 discussions will not gain additional momentum until after the New Year.

14 In the prior stipulation to extend the time for Gang to file the Answering
15 Brief, the Parties mentioned a single change they were working on resolving.
16 The change appears to have been resolved, but the Parties are now discussing
17 some additional terms that were not previously part of the original drafted
18 documents. Thus, although the Parties remain in the final stages of settlement
19 discussions, additional time to file the Answering Brief is necessary.

20 In addition, Gang avoiding the expense of preparing and filing the
21 Answering Brief is a key component to the settlement. Also, Gang believes that
22 both Parties remain confident that they are going to finalize the settlement of
23 this matter. Moreover, the settlement will enable the Parties to dismiss the

1 appeal from the Court's docket. Thus, to avoid the unnecessary expense of
2 further fees and costs and to preserve judicial economy, the Court's granting of
3 this request is proper

4
5 **5. The length of the extension requested and the date on**
which the brief would become due.

6 Gang is requesting that the Court extend the time for the Answering Brief
7 45 days. A 45 day extension would extend the Answering Brief due date from
8 December 30, 2013 to February 13, 2014.

9 **II. CONCLUSION**

10 Based on the foregoing, Gang requests that the Court grant this Motion
11 and extend the time for filing the Answering Brief as discussed herein.

12 Dated this 30th day of December, 2013.

13
14 MARQUIS AURBACH COFFING

15 By /s/ Tye S. Hanseen

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N/A

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