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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 ("Gang") hereby requests that the Court extend the
18 time for filing his Answering Brief 15 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 February 13, 2014. Gang is
3 making this Motion on February 6, 2014. Thus, Gang is making this Motion no
4 later than the due date for his Answering Brief and is in compliance with NRAP
5 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 February 13, 2014.

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 five prior requests to extend the time for the
16 Answering Brief, which requests the Parties made in the form of one motion to
17 extend and various stipulations. Because NRAP 31(b)(2) limits extending time
18 pursuant to stipulation to 30 days, the Court has construed the stipulations as
19 unopposed motions for 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 have been engaged in settlement discussions for multiple
10 months. Prior to and after the holidays, the Parties were very close to settling
11 the case and were working on finalizing the terms and related documents of a
12 settlement and related agreement. And, although Gang cannot speak for
13 Hunter, Gang believes that both Parties were encouraged by the progress of the
14 settlement discussions and truly believed a deal would be consummated by the
15 end of January.

16 Unfortunately, this week the Parties themselves (Mr. Gang and Mr.
17 Hunter) exchanged emails on Tuesday and Wednesday that, for all intents and
18 purposes, manifested an end to the anticipated settlement and, short of one of
19 the Parties substantially changing positions, all further negotiations for the
20 foreseeable future.

21 The Parties simply could not agree on conditions to settlement that arose
22 after the initial drafts of the related agreement were prepared and were all but
23

1 finalized. Gang informed the Court in his prior Motion to Extend that these
2 additional terms were being discussed.

3 As a result, Gang will now need to prepare and submit his Answering
4 Brief. He is asking the Court for an additional 15 days, which will give him
5 approximately three weeks to get through the record and prepare, revise,
6 finalize, and submit his Answering Brief.

7
8 **5. The length of the extension requested and the date on
which the brief would become due.**

9 Gang is requesting that the Court extend the time for the Answering Brief
10 15 days. A 15 day extension would extend the Answering Brief due date from
11 February 13, 2013 to February 28, 2014.

12 **II. CONCLUSION**

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

15 Dated this 6th day of February, 2014.

16 MARQUIS AURBACH COFFING

17
18 By /s/ Tye S. Hanseen

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