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16 NEVADA CHECKER CAB CORPORATION
17 NEVADA STAR CAB CORPORATION

Electronically Filed
Jan 18 2013 04:37 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

13 CHRISTOPHER THOMAS; AND) **Supreme Court No. 61681**
14 CHRISTOPHER CRAIG, INDIVIDUALLY AND) District Court Case No. A661726
15 ON BEHALF OF OTHERS SIMILARLY)
16 SITUATED,)
17 Appellants,)
18 vs.)
19 NEVADA YELLOW CAB CORPORATION;)
20 NEVADA CHECKER CAB CORPORATION;)
21 AND NEVADA STAR CORPORATION,)
22 Respondents.)

21 **MOTION FOR EXTENSION OF TIME TO FILE**
22 **RESPONDENTS' ANSWERING BRIEF**

23 COME NOW, Respondents NEVADA YELLOW CAB CORPORATION, NEVADA
24 CHECKER CAB CORPORATION and NEVADA STAR CAB CORPORATION
25 (hereinafter "YCS"), by and through their undersigned attorneys, MARC C. GORDON,
26 ESQ., and TAMER B. BOTROS, ESQ., and hereby move this Honorable Court for an
27 extension of time to file their Answering Brief as required by NRAP 28.
28

1 This Motion is made and based on, NRAP 26(b)(1)(A), and NRAP 27, the following
2 Points and Authorities, and the pleadings on file herein.

3
4 **POINTS AND AUTHORITIES**

5 **I.**

6 **INTRODUCTION**

7 Respondents seek a simple procedural order pursuant to NRAP 27. Under the Rule,
8 this Motion may be acted upon at any time, without waiting for a response, and may be
9 disposed of by the clerk NRAP 27(b). Specifically, Respondents ask this Court, pursuant to
10 NRAP 26(b)(1) and NRAP 31(b)(3)(A) for a thirty (30) day extension of time to file its
11 Answering Brief thereby changing the date from January 28, 2013, up to and including
12 March 1, 2013. One previous extension of time of thirty (30) days from the original date due
13 of December 26, 2012, was granted by stipulation of the parties and filed with the Court on
14 December 19, 2012. No other extensions have been previously denied or denied in part.

15 **II.**

16 **LEGAL ARGUMENT**

17 Respondents seek an order pursuant to NRAP 27. Under the Rule, this motion may
18 be acted upon at any time, without waiting for a response, and may be disposed of by the
19 clerk. NRAP 27(b). Specifically, Respondents ask this Court, pursuant to NRAP
20 26(b)(1)(A), for an extension of time to file its Answering Brief, thereby changing the date
21 from January 28, 2013, up to and including March 1, 2013.

22 Pursuant to NRAP 26(b)(1)(A), for good cause, the court may extend the time
23 prescribed by these Rules or by its order to perform any act. In this case, good cause exists
24 to grant Respondents' motion for an extension of time to file their Answering Brief. This
25 extension is being requested due to the recovery of Respondents' counsel, Marc C. Gordon,
26 Esq., from recent abdominal surgery. Appellants' counsel, Leon Greenberg, Esq., has agreed
27 to this request for this extension, and thus, the instant motion is unopposed. See attached
28 Affidavit of Tamer B. Botros, Esq., in support of the Motion for Extension of Time To File

1 Respondents' Answering Brief and e-mail from Mr. Greenberg attached as Exhibit A.
2 Furthermore, Respondents respectfully request that Appellants' counsel, Leon Greenberg,
3 Esq., shall be granted an extension of time of sixty (60) days, up to and including April 30,
4 2013, to file Appellants' Reply Brief.

5 Any order by this Honorable Court to extend the time to file Respondents' Answering
6 Brief will do no harm to Appellants since this matter is in its infancy, will not have any
7 negative consequences to Appellants and Appellants' counsel, Leon Greenberg, Esq., has
8 agreed to this request for extension and thus, the motion is unopposed. Respondents request
9 an extension of time to file their Answering Brief from January 28, 2013, up to and including
10 March 1, 2013, and that Appellants be granted an extension of time of sixty (60) days, up to
11 and including April 30, 2013 to file Appellants Reply Brief.

12 **III.**

13 **CONCLUSION**

14 Based upon the foregoing, Respondents respectfully request that this Honorable
15 Court to grant an extension of time to submit their Answering Brief, up to and including
16 March 1, 2013. NRAP 26(b)(1)(A) and NRAP 27 provide for such an extension. An
17 extension up to and including March 1, 2013. will not significantly harm the interests of any
18 party to this appeal.

19 Dated this 18th day of January, 2013.

20 **YELLOW CHECKER STAR TRANSPORTATION**
21 **CO. LEGAL DEPT.**

22 

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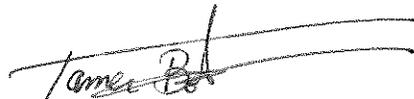
1 AFFIDAVIT OF TAMER B. BOTROS, ESQ. IN SUPPORT OF MOTION FOR
2 EXTENSION OF TIME TO FILE RESPONDENTS' ANSWERING BRIEF

3 STATE OF NEVADA)
4)ss:
5 COUNTY OF CLARK)

6 I, Tamer B. Botros, Esq., do hereby swear under penalty of perjury that the following
7 assertions are true to the best of my knowledge and belief:

- 8 1. I am a duly licensed attorney qualified to practice before all of the Courts in
9 the State of Nevada and I am Associate Counsel and one of the attorneys for
10 Respondents, Nevada Checker Cab Corporation, Nevada Star Cab
11 Corporation and Nevada Yellow Cab Corporation in the above entitled action.
12
13 2. I have personal knowledge of the facts set forth in this Affidavit and am
14 competent to testify to them if called upon to do so.
15
16 3. This request for extension is being sought due to the recovery of Respondents'
17 General Counsel, Marc C. Gordon, Esq., from recent abdominal surgery.
18
19 4. Appellants' counsel, Leon Greenberg, Esq., has agreed to the filing of this
20 motion for the request of this extension of time to file Respondents'
21 Answering Brief, and for the extension of time for Appellants to Reply, thus,
22 the instant motion is unopposed.

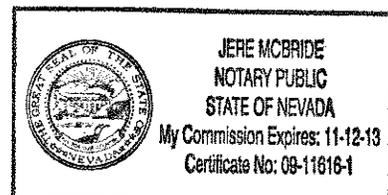
23 FURTHER AFFIANT SAYETH NAUGHT.
24 DATED this 18th day of January, 2013.



TAMER B. BOTROS, ESQ.

25 SUBSCRIBED and SWORN to before me
26 on this 18th day of January, 2013.

27 
28 NOTARY PUBLIC, In and For Said County and State



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CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that on the 18th day of January, 2013, service of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE RESPONDENTS' ANSWERING BRIEF** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, in an envelope addressed as follows:

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg P.C.
2965 S. Jones Blvd., Ste. E4
Las Vegas, NV 89146
Attorney for Plaintiffs
(702) 385 - 1827 (FAX)



For Yellow Checker Star
Transportation Co. Legal Dept.

EXHIBIT A

From: [Leon Greenberg](#)
To: [Jere McBride](#)
Cc: leongreenberg@overtimelaw.com; dana@overtimelaw.com; [Marc C. Gordon](#); [Tamer B. Botros](#)
Subject: Re: 2nd Stipulation for Extension of Time - Thomas/Craig v. YCS
Date: Thursday, January 17, 2013 2:59:12 PM
Attachments: [ATT00001.png](#)

Not to make things harder, but it would appear you should really do this by motion. See NRAP 31, I set forth portion below. Does not allow this by stipulation past 30 days. Also I want a total of 60 days for my reply extended per b2 below from whatever date you get for your answering brief (hopefully I will not need it, but I would like to have it). Let me know what you want to do

(b) *Extensions of time for filing briefs.*

(1) *Telephonic requests.* A party may request by telephone a single 5-day extension of time for filing a brief under Rule 26(b)(1)(B). A telephonic request may be made only if there have been no prior requests for extension of time for filing the brief. Subsequent requests for extensions of time for filing a brief may be made by stipulation if permitted under Rule 31(b)(2) or by motion to the Supreme Court under Rule 31(b)(3).

(2) *Stipulations.* Unless the court orders otherwise, in all appeals except child custody, visitation, or capital cases, the parties may extend the time for filing any brief for a total of 30 days beyond the due dates set forth in Rule 31(a)(1) by filing a written stipulation with the Supreme Court on or before the brief's due date. No extensions of time by stipulation are permitted in child custody, visitation, or capital cases.

(3) *Motions for extension of time.* A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) *Contents of motion.* A motion for extension of time for filing a brief shall include the following:

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary; and
- (v) The length of the extension requested and the date on which the brief would become due.

(B) *Motions in all appeals except child custody, visitation, or capital cases.* Applications for extensions of time beyond that to which the parties are permitted to stipulate under Rule 31(b)(2) are not favored. The Supreme Court will grant a motion for extension of time for filing a brief only upon a clear showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.

On 1/17/2013 1:54 PM, Jere McBride wrote:

Dear Mr. Greenberg:

As a follow up to this morning's conversation with Tamer B. Botros, Esq., I have attached the above-referenced document for your review and signature. If you would please sign where indicated, scan and return by email at your earliest convenience it would be appreciated. As an alternative, we can have our runner stop by and pick up the signed document if you prefer.

Thank you.

Jere McBride
Senior Litigation Paralegal
Yellow Checker Star Transportation
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