IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 NITZ, WALTON & HEATON, LTD.; CASE NO.: 62252 WILLIAM H. HEATON, 3 Petitioners, Electronically Filed 4 Apr 09 2013 09:26 a.m. 5 VS. Tracie K. Lindeman Clerk of Supreme Court 6 EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA IN AND FOR 7 THE COUNTY OF CLARK; THE HONORABLE GLORIA STURMAN, 8 DISTRICT COURT JUDGE, 9 Respondents, 10 and 11 TOWER HOMES, LLC, 12 13 Real Party in Interest. 14 MOTION FOR EXTENSION OF TIME TO FILE 15 REAL PARTY IN INTEREST TOWER HOMES, LLC'S ANSWERING BRIEF 16 Real Party in Interest Tower Homes, LLC, by and through their attorneys of record, 17 PRINCE & KEATING, hereby submits this Motion for Extension of Time to file Real Party 18 in Interest' Answering Brief in the above-referenced matter, which is currently due on April 19 8, 2013. Respondent request an extension up to and until April 12, 2013 to file an Answering 20 Brief. 21 day of April, 2013. 22 23 Prince & Keating 24 **DENNIS M. PRINCE** 25 Nevada Bar No. 5092 ERIC N. TRAN 26 Nevada Bar No. 11876 3230 South Buffalo Drive, Suite 108 27

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Tower Homes, LLC

Las Vegas, Nevada 89117

Attorneys for Real Party in Interest

Docket 62252 Document 2013-10281

MEMORANDUM OF POINTS AND AUTHORITIES

This is an Writ of Mandamus or Prohibition Petition filed by Petitioners NITZ, WALTON & HEATON, LTD.; WILLIAM H. HEATON ("Petitioners"), arising from the District Court's Denial of Petitioner's Motion to Dismiss or in the Alternative, Motion for Summary Judgment against Tower Homes, LLC's claims against Petitioners. On December 12, 2012, Petitioners filed their Petition for Writ of Mandamus or Prohibition. Real Party in Interest's Answering Brief was originally due on March 25, 2013. On March 22, 2013, counsel for Petitioners and Real Party in Interest entered into a Stipulation providing Real Party in Interest an additional two weeks to file Real Party in Interest's Answering Brief. Real Party in Interest's Answering Brief is currently due on April 8, 2013. Real Party in Interest now submit this Motion for Extension of Time to File Real Party in Interest's Answering Brief pursuant to NRAP 31(b)(3). This is Real Party in Interest' Second Request for Extension of Time to File to Real Party in Interest' Answering Brief. No previous Request for Extension of Time has been denied.

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In this case, Eric Tran, Esq. an associate at the law firm of Prince & Keating was recently ill due to the flu. Eric Tran's illness has impacted Real Party in Interest's ability to timely file an Answering Brief on or before the due date of April 8, 2013. As such, Real Party in Interest requests that this Honorable Court Grant its Motion for Extension of Time and allow Real Party in Interest an additional four (4) days extension to file an Answering Brief. Thus, Real Party in Interest requests up to and including April 12, 2013 to file an Answer Brief.

DATED this <u>S</u> day of April, 2013.

PRINCE & KEATING

DENNIS M. PRINCE Nevada Bar No. 5092

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Tower Homes, LLC

ORDER EXTENDING TIME TO FILE REAL PARTY IN INTERESTS TOWER 1 HOMES LLC'S ANSWERING BRIEF 2 3 Good cause appearing, 4 IT IS HEREBY ORDERED that Real Party in Interest shall have up to and including 5 April 12, 2013 to file an Answer Brief. 6 SUPREME COURT JUSTICE 7 8 Respectfully submitted by: 9 PRINCE & KEATING 10 11 **DENNIS M. PRINCE** 12 Nevada Bar No. 5092 ERIC N. TRAN 13 Nevada Bar No. 11876 3230 South Buffalo Drive, Suite 108 14 Las Vegas, Nevada 89117 Attorney for Real Party in Interest 15 Tower Homes, LLC 16 17 18 19 20 21 22 23 24

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