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Jul 15 2014 08:44 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

7 BRYAN FERGASON,

8 Appellant,

9 vs.

10 LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

11 Respondent.

Case No.: 62357

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

12
13 **MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S**
14 **ANSWERING BRIEF**
(Second Request)

15 Respondent, Las Vegas Metropolitan Police Department ("LVMPD"), by
16 and through its counsel of record, Marquis Aurbach Coffing, hereby moves this
17 Court pursuant to NRAP 31(b) for a one-week extension of time to file
18 LVMPD's answering brief.

19 LVMPD's answering brief was originally due on May 29, 2014. This
20 Court granted LVMPD's first request for an extension of time on May 28, 2014,
21 making LVMPD's answering brief currently due on July 14, 2014. If the Court
22 grants this request for a one-week extension, LVMPD's answering brief will be
23

1 due on July 21, 2014. Good cause exists for allowing LVMPD to extend the
2 filing deadline until July 21, 2014:

3 1. Additional time was needed to review the relevant transcripts from
4 Appellant's criminal cases and the opinions in Appellant's previous Supreme
5 Court cases stemming from the same underlying District Court case and prepare
6 LVMPD's own appendix, which has already been submitted for filing;

7 2. Due to the recent departure of Joshua Benson, Esq. from our firm,
8 lead appellate counsel, Micah Echols, was recently reassigned Boruchowitz v.
9 Beckett (U.S. District Court Case No. 3:12-cv-00196-RCJ-VPC). Mr. Echols
10 was required to review and analyze Boruchowitz on short notice in order to
11 timely file a notice of appeal to the Ninth Circuit (Case No. 14-16299) from the
12 final order, causing an unavoidable delay in the preparation of LVMPD's
13 answering brief;

14 3. Additionally, Mr. Echols also received the reassignment of
15 Sandoval v. LVMPD (Ninth Circuit Case No. 12-15654) and was required to
16 draft and file a petition for rehearing en banc on a strict deadline, necessitating
17 an additional delay in the preparation of LVMPD's answering brief in the
18 instant appeal;

19 4. Mr. Echols was also heavily involved in the preparation of the
20 petition for writ of mandamus and prohibition and accompanying 28-volume
21 appendix in Allen v. Second Judicial District Court (Case No. 66022) filed in
22 this Court on July 9, 2014.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing **MOTION FOR EXTENSION OF**
3 **TIME TO FILE RESPONDENT'S ANSWERING BRIEF** was filed
4 electronically with the Nevada Supreme Court on the 14th day of July, 2014.
5 Electronic Service of the foregoing document shall be made in accordance with
6 the Master Service List as follows:

7 Ryan Daniels, Esq.

8 I further certify that I served a copy of this document by emailing a true
9 and correct copy thereof, addressed to:

10 Thomas J. Moreo, Esq.
11 Chief Deputy District Attorney
12 Clark County District Attorney
13 200 Lewis Ave., 3rd Floor
14 Las Vegas, NV 89155
15 (*thomas.moreo@clarkcountyda.com*)
16 *Co-counsel for Respondent, LVMPD*

17 /s/ Leah Dell

18 Leah Dell, an employee of
19 Marquis Aurbach Coffing
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