

1 SUPREME COURT OF THE
2 STATE OF NEVADA
3

4 BRYAN FERGASON,

5 Appellant,

6 vs.

7 LAS VEGAS METROPOLITAN POLICE
8 DEPARTMENT, a political subdivision
9 of the State of Nevada,

10 Respondent.
11

Supreme Court No. 62357 Electronically Filed
Jan 08 2015 03:57 p.m.
District Court Case K. Lindeman
Clerk of Supreme Court
**APPELLANT'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE
REPLY BRIEF**

12 Pursuant to Nevada Rule of Appellate Procedure 31(b)(3), Appellant Bryan
13 Ferguson ("Mr. Ferguson" or "Appellant") hereby moves for an extension of time
14 to file his Reply Brief (the "Motion"). Specifically, Appellant requests an
15 additional forty-five (45) days to file his Reply Brief—from January 14, 2015 to
16 March 2, 2015.¹ This motion is made and based on the record before this Court,
17 the briefs on appeal, and the following Memorandum of Points and Authorities.

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 Pursuant to Nevada Rule of Appellate Procedure 31(b)(3), a party may
20 move for an extension of time to file a brief so long as the motion is made no later
21 than the due date for the brief.

22 Appellant's Reply Brief is currently due January 14, 2015. Originally,
23 Appellant's Reply Brief was due August 27, 2014. This Court then granted
24 Appellant a five-day telephonic extension to file the Reply Brief. (*See* Doc. No.
25

26 ¹ A forty-five (45) day extension falls on February 28, 2015, which is a
27 Saturday; therefore, Appellant's time to file his Reply Brief would extend to the
28 next judicial day—March 2, 2015. *See* NRAP 26(a)(3).

1 14-28267, Aug. 27, 2014.) However, this Court subsequently stayed the briefing
2 schedule pending Respondent Las Vegas Metropolitan Police Department's
3 ("LVMPD" or "Respondent") Motion to Settle the Record Pursuant to NRAP
4 10(c). (Doc. No. 14-30119, Order, Sept. 11, 2014.) This Court reinstated the
5 briefing schedule after LVMPD filed an Amended Answer on November 13,
6 2014—making the Reply Brief due on December 13, 2014. (Doc. No. 14-37380,
7 Order, Nov. 13, 2014.)

8 On December 11, 2014, this Court approved the Parties' Stipulation for
9 Extension of Time to File Reply Brief, making the Reply Brief due on January 14,
10 2015. (Doc. No. 14-40479, Issued Notice, Dec. 11, 2014.) On December 17,
11 2014, undersigned counsel undertook representation of Appellant on a pro bono
12 basis through Legal Aid Center of Southern Nevada's Pro Bono Project and
13 substituted in for Appellant's prior counsel. (Doc. No. 14-41121, Substitution of
14 Counsel, Dec. 17, 2014; *see also* Decl. Paul C. Williams, Esq., attached hereto as
15 Exhibit 1 ["Williams Decl."], ¶ 3.)

16 Here, good cause exists to extend the Appellant's time to file his Reply
17 Brief. An extension of time will give Appellant's recently-engaged counsel
18 adequate time to become acclimated with the matter and to consult with the
19 Appellant regarding the matter. (Williams Decl. ¶ 4.) Because Appellant is
20 incarcerated, arranging in-person meetings has presented substantial scheduling
21 and logistical difficulties. (*Id.* ¶ 5.) Counsel for Respondent has stated that the
22 Respondent does not intend to oppose an extension of Appellant's time to file his
23 Reply Brief. (*Id.* ¶ 6.)

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1 Accordingly, Appellant respectfully requests that this Court extend
2 Appellant's time to file his Reply Brief by forty-five days (45) from January 14,
3 2015 to March 2, 2015.

4 DATED this 8th day of January, 2015.

5 BAILEY ♦ KENNEDY

6 By: /s/ Paul C. Williams

7 DENNIS L. KENNEDY

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Appellant's Unopposed Motion for Extension of Time to File Reply Brief (the "Motion") complies with the formatting requirements of NRAP 32(a)(4)-(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

2. I further certify that the Motion complies with the page and type-volume limitations of NRAP 32(a)(7)(c) and 40(b)(3) because, excluding this Certificate of Compliance and the Certificate of Service, it is three (3) pages in length, proportionally spaced, has a typeface of 14 points, and contains 441 words.

3. Finally, I hereby certify that I have read this Motion, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Motion complies with all applicable Nevada Rules of Appellate Procedure, and in particular NRAP 28(e)(1), which requires every assertion in the Motion regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be

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1 subject to sanctions in the event that the Motion is not in conformity with the
2 requirements of the Nevada Rules of Appellate Procedure.

3 DATED this 8th day of January, 2015.

4 BAILEY ♦ KENNEDY

5 By: /s/ Paul C. Williams

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Bailey❖Kennedy and that on the 8th day of January, 2015, I electronically filed the foregoing Substitution of Counsel with the Clerk of the Court by using the ECF system, and that Notice of Electronic Filing will be transmitted via the ECF system to the following parties electronically and/or by U.S. Mail, postage prepaid, to the last known address, as follows:

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Attorneys for Respondent

/s/ Sharon Murnane
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Exhibit 1

Exhibit 1

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