

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF
NEVADA RULE OF APPELLATE
PROCEDURE 26.

No. ADKT 0485

FILED

OCT 09 2015

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

**ORDER AMENDING NEVADA RULE
OF APPELLATE PROCEDURE 26**

WHEREAS, it has come to this court's attention that Nevada Rule of Appellate Procedure 26 (Computing and Extending Time) is in need of clarification regarding when a telephonic extension may be requested; and

WHEREAS, it has been the practice of this court to allow such requests only when they are made on or before the due date sought to be extended; and

WHEREAS, the rule does not explicitly prohibit such requests from being made after the due date sought to be extended; and

WHEREAS, it appears to this court that amendment of NRAP 26 is warranted to conform the rule to existing practice; accordingly,

IT IS HEREBY ORDERED that NRAP 26 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this rule amendment shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all

subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 9th day of October, 2015.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: All District Court Judges
Laurence P. Digesti, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO NEVADA RULES OF APPELLATE PROCEDURE

RULE 26. COMPUTING AND EXTENDING TIME

(a) **Computing Time.** The following rules apply in computing any period of time specified in these Rules, a court order, or an applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and nonjudicial days when the period is less than 11 days, unless the period is stated as a specific date.

(3) Include the last day of the period unless it is a Saturday, Sunday, or a nonjudicial day, or—if the act to be done is filing a paper in court—a day on which the weather or other conditions make the clerk's office inaccessible, in which event the period extends until the end of the next day that is not a Saturday, Sunday, or a nonjudicial day.

(b) **Extending Time.**

(1) **By Court Order.**

(A) For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time to file a notice of appeal except as provided in Rule 4(c).

(B) Except as otherwise provided in these Rules, counsel ~~may~~ may, on or before the due date sought to be extended, request by telephone a 14-day extension of time for performing any act except the filing of a notice of appeal. If good cause is shown, the clerk may grant such a request by telephone or by written order of the clerk. The grant of an extension of time to perform an act under this Rule will bar any further motion for additional

extensions of time to perform the same act unless such a motion, which must be in writing, demonstrates extraordinary and compelling circumstances.

* * *