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

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5 STATE OF NEVADA  
Appellant,

6 vs.

7 ANDRE BOSTON  
8 Respondent.  
9

CASE

62931

Electronically Filed  
Nov 05 2013 04:44 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

10  
11 **APPLICATION FOR EXTENSION OF TIME**  
12 **IN WHICH TO FILE THE ANSWERING BRIEF**

13 COMES NOW Appellant, ANDRE BOSTON, by and through MARTIN HART ESQ.,  
14 and moves this Honorable Court to grant a sixty (60) day extension of time from, November 8,  
15 2013 through and including January 7, 2013, within which to file Respondent's Answering Brief  
16 in the above entitled case.

17 This Motion is based upon the Memorandum of Authorities and the Affidavit of Counsel  
18 attached hereto.

19 DATED this 5<sup>th</sup> day of November, 2013.

20 THE LAW OFFICES OF MARTIN HART LLC

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23 By /s/Martin Hart  
MARTIN HART, #5984  
24 229 So. Las Vegas Blvd, Suite #200  
Las Vegas, Nevada 89101  
25 (702) 380-4278  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

NRAP 26 governs computing and extending time, and reads, in pertinent part:

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. NRAP 26 (b)(1)(A).

Appellant can demonstrate good cause, as described in further detail in the attached Declaration of Counsel.

DATED this 5<sup>th</sup> day of November, 2013.

THE LAW OFFICES OF MARTIN HART LLC

By /s/ Martin Hart  
MARTIN HART, #5984  
229 So. Las Vegas Blvd, Suite #200  
Las Vegas, Nevada 89101  
(702) 380-4278

**DECLARATION OF COUNSEL**

I, Martin Hart upon penalty of law says:

1. That I am an attorney duly licensed to practice law in the State of Nevada and represent ANDRE BOSTON on the instant appeal pending before this Court.

2. That the Answering Brief is due to be filed on or before November 8, 2013.

3. That due to power issues at my office during the week of October 25, 2012 our server crashed and then worked sporadically for a couple days leaving the office without even internet activity. The server is currently being repaired by the technician who is also recovering files and reconfiguring the backup procedures.

5. That we now have access to internet and word processing but much of the saved data, including research and written motions, is not currently available due to the server being out for repair. We expected the server to be running on November 4, 2013 but there are evidently a couple issues that are beyond this writer's comprehension. We optimistically hope to have the server back and everything working as it should by the end of the week. These computer issues have caused unexpected delays.

6. This request for extension of time is made in good faith and not for the purposes of delay.

DATED this 7<sup>th</sup> day of October, 2013.

THE LAW OFFICES OF MARTIN HART LLC

By /s/Martin Hart  
DECLARANT