

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64591

FILED

FEB 06 2015

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

ORDER GRANTING MOTION IN PART


Respondent has filed a motion for a third extension of time (60 days) to file the answering brief. In support of the motion, respondent notes the length and complexity of this case. It states that a draft of the brief is complete and is under review by trial and appellate attorneys; the review process is not yet complete because the reviewing attorneys are currently in trial. Appellant opposes the motion, contending that the reasons offered by respondent do not constitute extraordinary circumstances and suggests that a 30-day extension is sufficient to permit review of the draft brief. Respondent has filed a reply. Considering the unusually lengthy trial in this case and the fact that respondent has already been granted two extensions of time to file the answering brief, we grant the motion in part.

Respondent shall have until February 27, 2015, to file and serve the answering brief. This appeal has been pending on this court's docket for over one year. With this extension of time, respondent will have had 150 days to file the answering brief. Any additional extensions will be granted only on showing of the most extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d

15-04016

1027 (1974). Failure to timely file the answering brief may result in the imposition of sanctions. *See* NRAP 31(d).

It is so ORDERED.

, C.J.

cc: Franny A. Forsman
Wright Stanish & Winckler
Attorney General/Carson City
Clark County District Attorney