

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

2                   \*\*\*\*\*

3                   DONTE JOHNSON

4                               Appellant,

5                   vs.

6                   THE STATE OF NEVADA,

7                               Respondent.

S.C. CASE NO. 65168


Electronically Filed  
Dec 05 2014 03:30 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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9                   **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

10                   COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, DONTE  
11                   JOHNSON, and kindly moves this Court for an Order granting an extension of  
12                   time of thirty-two (32) days from the date the Opening Brief is now due, to wit:  
13                   December 5, 2014, and extend the time to and including, January 6, 2015, for the  
14                   filing of the Opening Brief. This motion is made and based upon NRAP 27 and  
15                   31(a), the Affidavit of Christopher R. Oram, Esq., filed herewith, and the Points  
16                   and Authorities attached hereto.

17                   DATED this 5<sup>th</sup> day of December, 2014.

18                               Respectfully submitted by:

19                                 
20                               CHRISTOPHER R. ORAM, ESQ.  
21                               Nevada Bar No. 004349  
22                               520 S. Fourth Street, 2nd Floor  
23                               Las Vegas, Nevada 89101  
24                               (702) 384-5563

25                               Attorney for Appellant  
26                               DONTE JOHNSON  
27  
28

CHRISTOPHER R. ORAM, LTD.  
520 SOUTH 4<sup>TH</sup> STREET | SECOND FLOOR  
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TEL. 702.384-5563 | FAX. 702.974-0623

## POINTS AND AUTHORITIES

### Time for Serving and Filing Briefs.

The appellant shall serve and file the OPENING brief within one hundred and twenty (120) days after the date on which the appeal is docketed in the Supreme Court. The respondent shall serve and file his answering brief within thirty (30) days after service of the brief of the appellant. After service of respondent's brief, any OPENING brief must be served and filed within thirty (30) days. . . . By written stipulation timely filed with the Supreme Court, the parties may extend the time for filing any brief for a total of thirty (30) additional days unless the court otherwise orders. Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored, and will be considered only on motion for good cause clearly shown, or ex parte in cases of extreme and unforeseeable emergency. The Supreme Court may shorten the periods prescribed above for serving and filing briefs, either by rule for all cases or for classes of cases, or by order for specific cases."

The Opening Brief and Appendix is currently due on December 5, 2014.

This is the third request for an extension of time. The undersigned is requesting thirty-two (32) days to complete the Opening Brief and Appendix. The undersigned acknowledges that this Court has stated that additional requests for extension of time will not be viewed favorable and will only be granted on a showing of extraordinary circumstances and extreme need. The undersigned apologizes for this additional extension, but it is extremely needed for numerous reasons.

First, the appendix in the instant case is extremely voluminous and thousands of pages. The undersigned's office must go through over fourteen bankers boxes to sort through the documents to be contained in the appendix. Each volume must then be assembled by filing date and individually scanned in. Thus, scanning and bates stamping each volume in an appendix of this size is a difficult and time consuming task in and of itself. The issues in creating the appendix are compounded by the age of the documents (the documents in the instant case date back to 1999) and the wear on the pages (from being passed through attorneys over the years).


Next, as this is the holiday season, the undersigned and his office staff have preplanned vacations during this time period. The undersigned is scheduled to be out of the jurisdiction from December 18, 2014, through January 5, 2015.

1 Additionally, the undersigned's paralegal is scheduled to be out of the jurisdiction  
2 from December 24, 2014, through January 5, 2015.

3 The undersigned apologizes for this additional request, however, due to the  
4 reasons enunciated above, the extension is extremely needed. Therefore, counsel  
5 respectfully request that this Court permit him thirty-two (32) days, to wit: January  
6 6, 2015, in order to prepare and submit the Opening Brief and appendix.

7 DATED this 5<sup>th</sup> day of December, 2014.

8 Respectfully submitted by:

9   
10 CHRISTOPHER R. ORAM, ESQ.  
Nevada Bar #004349  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada, 89101

11 Attorney for Appellant  
12 DONTÉ JOHNSON  
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**AFFIDAVIT OF CHRISTOPHER R. ORAM**  
**IN SUPPORT OF MOTION FOR EXTENSION OF TIME**  
**TO FILE OPENING BRIEF**

STATE OF NEVADA     }  
COUNTY OF CLARK    } ss:

CHRISTOPHER R. ORAM, ESQ., being first duly sworn, deposes and states:

1. I am an attorney duly licensed to practice law in the State of Nevada. I am counsel for the Appellant in the above-entitled matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. The Opening Brief and Appendix is currently due on December 5, 2014. This is the third request for an extension of time. The undersigned is requesting thirty-two (32) days to complete the Opening Brief and Appendix. The undersigned acknowledges that this Court has stated that additional requests for extension of time will not be viewed favorable and will only be granted on a showing of extraordinary circumstances and extreme need. The undersigned apologizes for this additional extension, but it is extremely needed for numerous reasons.

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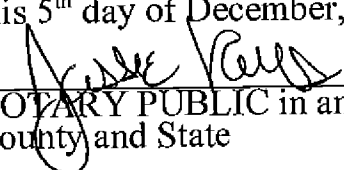
5 3. That this motion is made in good faith and not for purposes of delay.

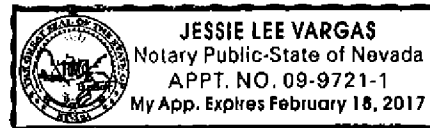
6 FURTHER YOUR AFFIANT SAYETH NAUGHT.

7 DATED this 5<sup>th</sup> day of December, 2014.

8   
CHRISTOPHER R. ORAM, ESQ.

9 SWORN and SUBSCRIBED before me  
10 this 5<sup>th</sup> day of December, 2014.

11   
NOTARY PUBLIC in and for said  
12 County and State



**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on December 5, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO  
Nevada Attorney General

STEVE OWENS  
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas  
An Employee of Christopher R. Oram, Esq.