

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

2
3 TOWER HOMES, LLC, a Nevada
4 limited liability company;

5 Appellant,

6 vs.

7
8 WILLIAM H. HEATON, individually;
9 NITZ, WALTON & HEATON, LTD.,
10 a domestic professional corporation;
11 and DOES I through X, inclusive,

12 Respondents.
13

CASE NO.: 65755

Electronically Filed
Jan 21 2015 02:51 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION FOR EXTENSION OF
TIME TO FILE APPELLANT'S
OPENING BRIEF**

14 Appellant Tower Homes, LLC by and through its attorneys of record, PRINCE |
15 KEATING, hereby submits this Motion for Extension of Time to File Appellant's
16 Opening Brief, which is currently due on January 21, 2015. Appellant requests an
17 additional fourteen day extension up to and until February 4, 2015 to file an Opening
18 Brief. This is Appellant's second request and no prior request for extension of time has
19 been denied.¹
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22 **MEMORANDUM OF POINTS AND AUTHORITIES**

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24 This is an appeal from the District Court's Order Granting Respondents' Motion
25 for Summary Judgment dismissing Appellant's legal malpractice action on the grounds
26 that Appellant is not the real party in interest because a third party will ultimately
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1 Appellant previously sought a 5 day telephonic extension.

1 benefit from any recovery from Appellant's legal malpractice action against
2 Respondent. The District Court also ruled that Chaffee v. Smith, 98 Nev. 222 (1982)
3 prohibits any assignment of a legal malpractice action.
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5 Appellant's Opening Brief is currently due on January 21, 2015. However,
6 Appellant's counsel, Eric Tran, Esq. has been ill for the past week.² In addition, this
7 case involves complex issues of law including, *inter alia*, whether a legal malpractice
8 action is assignable. This issue is of great importance and one that has not been fully
9 resolved in Nevada. In addition, this case involves issues of bankruptcy law, the
10 inherent powers of a Bankruptcy Trustee, and whether a Bankruptcy Trustee can
11 release a legal malpractice claim to a third party.
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14 Due to recent illness of Appellant's counsel, and due to the complexity of the
15 issues involved in this case, Appellant seeks an additional fourteen day extension to
16 file its Opening Brief in order to ensure that this Court is adequately briefed on these
17 seminal issues.
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2 Appellant's counsel had bronchitis.

1 Thus, Appellant respectfully requests that the time for filing Appellant's
2 Opening Brief be extended an additional fourteen days and that Appellant be allowed
3 up to and until February 4, 2015 to file its Opening Brief.
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5 DATED this 21st day of January, 2015.
6

7 PRINCE | KEATING

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9

10 DENNIS M. PRINCE

11 Nevada Bar No. 5092

12 ERIC N. TRAN

13 Nevada Bar No. 11876

14 9130 West Russell Road Suite 200

15 Las Vegas, Nevada 89148

16 Attorneys for Plaintiff/Appellant

17 *Tower Homes, LLC*
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b) and Administrative Order 14-2 of the Eighth Judicial
3 District Court, I hereby certify that I am an employee of PRINCE|KEATING and that on
4 the 21st day of January, 2015, I served the above and foregoing MOTION FOR
5 EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF on the
6 following parties in compliance with the Nevada Electronic Filing and Conversion
7 Rules:
8

9 Jeffrey Olster, Esq.
10 Lewis Brisbois Bisgaard & Smith
11 6385 South Rainbow Boulevard
12 Suite 600
13 Las Vegas, NV 89118
14 Attorneys for Defendants/Respondents

15 /s/ Kim M. Stevenson

16 An employee of PRINCE | KEATING
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