

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOWER HOMES, LLC, a Nevada limited
liability company;

CASE NO.: 65755

Appellant,

Electronically Filed
May 15 2015 02:51 p.m.

vs.

TOWER HOMES, LLC'S MOTION FOR
AN EXTENSION OF TIME TO FILE
REPLY BRIEF

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

Respondents.

Appellant Tower Homes, LLC ("Tower Homes"), by and through its attorneys
of record, Keating Law Group, hereby moves this Honorable Court pursuant to
NRAP 26(b) and NRAP 31 (b)(3) for an extension of time for the filing of Tower
Homes' Reply Brief.

This Motion is based on the pleadings and papers on file in this action and
points and authorities submitted in support of this Motion.

Respectfully submitted this 15th day of May, 2015.

KEATING LAW GROUP



JOHN T. KEATING
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Attorneys for Appellant
Tower Homes, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I.

LEGAL ARGUMENT

Motions for extensions of time to file a brief are controlled by NRAP 26(b) which provides:

The court for good causes shown may upon motion enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time; but the court may not enlarge the time for filing a notice of appeal.

NRAP 31(b) (3):

Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

In this case, Tower Homes' Reply Brief is due on May 18, 2015. The lead attorney working on this file on behalf of Tower Homes (and the managing partner of the Prince | Keating law firm), Dennis M. Prince, Esq. ("Mr. Prince"), has recently left the firm¹. Mr. Prince was the lead attorney who handled the underlying case and as well as this current appeal. Additionally, the main associate who worked with Mr. Prince on this matter, Eric N. Tran, Esq. (who drafted the Tower Homes' Opening Brief), is also no longer a member of the firm. Finally, another associate

¹ Accordingly, the undersigned has recently filed a Notice of Firm Name Change

1 with the firm, Garnet Beal, Esq. also left the firm with Mr. Prince to join Mr. Prince's
2 new firm.

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4 The recent departure of a managing partner, the main associate handling
5 this case, and another associate has led to some logistical and practical
6 difficulties as the firm is now in a period of transition. The main associate working
7 on the Reply Brief, Ian Estrada, Esq. ("Mr. Estrada"), has been diligently working on
8 the preparation of the Reply Brief. However, Tower Homes requests that this Court
9 allow for an extension of time to file the Reply Brief as both Mr. Estrada and the
10 remaining managing partner at the firm, John T. Keating, Esq. are in need of
11 additional time to familiarize themselves with the issues involved in not only the
12 Reply Brief, but also the underlying case.

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14 As such, Tower Homes respectfully requests an additional thirty (30) days up
15 to and including June 26, 2015, to file its Reply Brief to Respondent's Answering
16 Brief. Alternatively, if this Court finds that a thirty day extension is unwarranted,
17 Tower Homes respectfully requests that this Court consider granting at least a
18 fifteen day extension. Tower Homes will seek no further extension of time absent
19 extreme and unforeseeable circumstances. This is Tower Homes' first motion to
20 enlarge time to file its Reply Brief. However, the parties did enter into one
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28 with this Court.

1 stipulation to extend time for Tower Homes to file its Reply Brief on April 16, 2015.

2 Prior to the instant Motion, the undersigned contacted Respondent's
3 counsel seeking to obtain an agreement regarding entering into a stipulation for
4 an extension of time. Respondent's counsel informed the undersigned that
5 Respondent would not agree to an extension.
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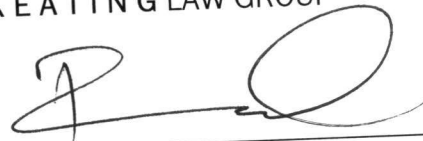
8 III.

9 CONCLUSION

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11 Based upon the foregoing, Appellant Tower Homes requests that the Court
12 extend the time in which to file its Reply Brief up to and including June 26, 2015.
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14 Respectfully submitted this 15th day of May, 2015.

15 KEATING LAW GROUP

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24 Attorneys for Appellant
25 *Tower Homes, LLC*
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2 of the Eighth Judicial District Court, I hereby certify that I am an employee of KEATING LAW GROUP and that on the 15th day of May, 2015, I served the above and foregoing APPELLANT TOWER HOMES, LLC'S MOTION TO ENLARGE TIME TO FILE REPLY BRIEF on the following parties in compliance with the Nevada Electronic Filing and Conversion

Rules:

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William H. Heaton


An employee of KEATING LAW GROUP