

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

2 Supreme Court No.: 66085
3 District Court Case No. 07A542616

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6 D.R. HORTON, INC., a Delaware corporation,

7 Petitioner,

8 v.

9 EIGHTH JUDICIAL DISTRICT COURT
10 of the State of Nevada, in and for the COUNTY OF CLARK;
11 and the HONORABLE SUSAN JOHNSON, District Judge,

12 Respondent,

13 ARLINGTON RANCH HOMEOWNERS ASSOCIATION, a Nevada
14 non-profit corporation,

15 Real-Party-In-Interest.
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17 _____
18 **PETITIONER D.R. HORTON, INC.'S MOTION TO**
19 **EXTEND TIME TO FILE REPLY BRIEF**
20 _____

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I.

INTRODUCTION

For various reasons, as set forth below, Petitioner, D.R. Horton, Inc. respectfully requests an extension of time, until December 8, 2014, to file its Reply Brief to Arlington Ranch Homeowners Association's Answering Brief to Petition for Writ of Mandamus. Real Party in Interest Arlington Ranch has no objection to the extension set forth below. In addition, the rules justify the short extension to ensure the legal issues are adequately addressed.

II.

RELEVANT FACTUAL SUMMARY

On September 26, 2014 this Court ordered Real Party in Interest shall have 30 days to file an Answering Brief and Petitioner shall have 15 days from service of the Answering Brief to file any Reply Brief. On or about October 15, 2014, Real Party in Interest requested Petitioner stipulate to a two- week extension of time to file its Answering Brief to Petitioner's Writ of Prohibition and/or Mandamus due to the fact Petitioner had concurrently filed an additional Writ Petition in this case (No. 66101) and both required significant legal research and response from the Real Party in Interest due to the complicated legal issues involved. Real Party in Interest requested an extension of time until November 7, 2014, and indicated it would agree to a two- week extension for Petitioner to then file its Reply Brief. Petitioner agreed to the terms of this extension. However, in preparing and filing the Request for Extension of Time to File Answering Brief (the "Motion") to this Court, the parties inadvertently neglected to include the agreement relating to Petitioner's two- week extension of time to file its Reply Brief.

This Court granted Real Party in Interest's request for extension based on its Motion and the stipulation of the parties. As such, This Court ordered the

1 Answering Brief filed no later than November 7, 2014. The Supreme Court Order
2 made no mention of Petitioner's Reply Brief. As agreed to by the parties,
3 Petitioner now requests a second Order providing Petitioner a two -week extension
4 of time to file its Reply Brief up to and including December 8, 2014.

5 **III.**
6 **LEGAL ARGUMENT**

7 Nevada Rules of Appellate Procedure, Rule 31(b)(3) states:

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

11 A. Contents of Motion. A motion for extension of time for filing a
12 brief shall include the following:

- 13 (i) The date when the brief is due;
14 (ii) The number of extensions of time previously granted
15 (including a 5-day telephonic extension), and if extensions were
16 granted, the original date when the brief was due;
17 (iii) Whether any previous requests for extensions of time have
18 been denied or denied in part;
19 (iv) The reasons or grounds why an extension is necessary; and
20 (v) The length of the extension requested and the date on which the
21 brief would become due.

22 **A. The Date When the Briefs Are Due**

23 The Reply Brief is currently due 15 days from service of the Answering
24 Brief on or before November 24, 2014. D.R. Horton is requesting an extension of
25 two- weeks as agreed to by the parties, but neglected to be included in the Motion,
26 up to and including December 8, 2014.

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1 **B. The Number of Extensions of Time Previously Granted (Including a 5-**
2 **Day Telephonic Extension), and if Extensions Were Granted, the**
3 **Original Date When the Brief Was Due**

4 Real Party in Interest previously requested an extension of time for filing its
5 Answering Brief in the Motion but neglected to request an extension for the filing
6 of Petitioner's Reply Brief. The Answering Brief was originally due on October
7 26, 2014. The extension granted by the Court on November 4, 2014, extended the
8 date for the filing of the Answering Brief to November 7, 2014. Petitioner itself
9 has not previously requested an extension of time.

10 **C. Whether Any Previous Requests for Extensions of Time Have Been**
11 **Denied or Denied in Part**

12 No previously filed requests for extensions have been denied or denied in
13 part.

14 **D. The Reasons or Grounds Why an Extension Is Necessary**

15 Several reasons exist that justify good cause. In addition to the instant Writ
16 Petition, Petitioner filed another Writ Petition two days later in this action (Case
17 No. 66101). The legal issues involved in both Writ Petition's are complex and of
18 first impression, impacting several currently pending cases in the District Court.
19 Thus, additional time is necessary to sufficiency address the complicated issues
20 which are pertinent to the Writs. Finally, it should be noted the parties previously
21 agreed to the requested two -week extension and inadvertently neglected to include
22 the request and stipulation in the Motion filed by Real Party in Interest.
23 Accordingly, counsel for Real Party in Interest has no opposition to this request
24 and stipulates to the same.

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1 **E. The Length of the Extension Requested and the Date on Which the**
2 **Brief Would Become Due**

3 Petitioner is requesting an extension of fourteen days (14) to file its Reply to
4 the Answering Brief, through and including December 8, 2014.

5 **III.**

6 **CONCLUSION**

7 Based on the foregoing, Petitioner, D.R. Horton, respectfully requests an
8 extension of time to prepare its Reply Brief. Specifically, Petitioner requests until
9 December 8, 2014 to file its Reply Brief.

10 Respectfully submitted this 13 day of November 2014.

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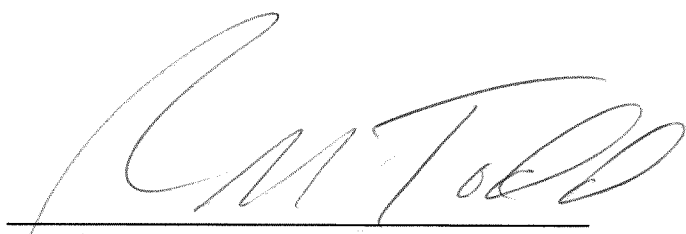
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13 day of November, 2014, I submitted for electronic filing and electronic service the foregoing PETITIONER D.R. HORTON, INC.'S MOTION TO EXTEND TIME TO FILE REPLY BRIEF.

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