

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

IN THE MATTER OF: THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, DATED
MAY 18, 1972,

ELEANOR C. AHERN A/K/A
ELEANOR CONNELL HARTMAN
AHERN,

Appellant,

vs.

JACQUELINE M. MONTOYA; AND
KATHRYN A. BOUVIER,

Respondents.

IN THE MATTER OF THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, DATED
MAY 18, 1972, AN INTER VIVOS
IRREVOCABLE TRUST

ELEANOR CONNELL HARTMAN
AHERN,

Appellant,

vs.

KATHRYN A. BOUVIER; AND
JACQUELINE M. MONTOYA,

Respondents.

Electronically Filed
Supreme Court No.: 66231 2015 09:56 a.m.
Tracie K. Lindeman
District Court Case No.: Clerk of Supreme Court
P-09-066425-T

Appeal from the Eighth Judicial
District Court, The Honorable Gloria
Sturman Presiding

Consolidated with:
Supreme Court No.: 67782

IN THE MATTER OF THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, DATED
MAY 18, 1972, AN INTER VIVOS
IRREVOCABLE TRUST

Consolidated with:
Supreme Court No.: 68046

ELEANOR CONNELL HARTMAN
AHERN,

Appellant,

vs.

JACQUELINE M. MONTOYA; AND
KATHRYN A. BOUVIER,

Respondents.

MOTION FOR EXTENSION OF TIME

Pursuant to NRAP 26(b), NRAP 31(b)(3), and NRAP 27, Eleanor C. Ahern a/k/a Eleanor Connell Hartman Ahern, by and through her counsel of record, the law firm of Brownstein Hyatt Farber Schreck, LLP ("BHFS"), hereby files this Motion for Extension of Time to file and serve the Opening Brief in this recently consolidated appeal, presently due October 21, 2015. Ms. Ahern previously requested an extension of time in connection with her Motion to Consolidate Related Appeals. *See* Motions for Extension of Time dated Aug. 26, 2015. The Court extended the filing deadline from September 21, 2015, which was the deadline for the appeal filed latest in time (*e.g.* the third of three appeals). *See* Notices Mot./Stip. Approved dated Aug. 26, 2015; *see* Order

Granting Motion [to Consolidate] dated Aug. 31, 2015. The Court has not granted an extension since the appeals were consolidated.

On October 6, 2015, BHFS moved the District Court for leave to withdraw from representation of Ms. Ahern in the underlying proceedings in this case, which are ongoing, on the basis that Ms. Ahern has failed to comply with the financial terms of her fee agreement with BHFS and the account balance remains unpaid.

On October 14, 2015, the District Court granted orally BHFS' motion to withdraw. However, the order has not yet been filed or entered because Ms. Ahern, BHFS, and the interim trustee (of the Trust at issue in the case) are working toward a resolution so that BHFS is not forced to withdraw. The interim trustee has authorized an advancement of funds from the Trust to pay a portion of Ms. Ahern's fees, but only if Ms. Ahern can provide adequate collateral to ensure repayment. Ms. Ahern is currently working to provide such collateral.

Rather than file an emergency motion to withdraw from representation in this consolidated appeal, BHFS requests a thirty (30) day extension of time to file the Opening Brief, so that the brief is due on or before November 20, 2015. This time is necessary to permit Ms. Ahern to provide adequate security for the advancement of funds and to ensure that BHFS will be compensated for its

services. Should Ms. Ahern be unable to provide sufficient collateral to the interim trustee, BHFS may need to request leave to withdraw from representation. As it stands, the recent uncertainty surrounding BHFS' ongoing representation of Ms. Ahern as well as the complexity of the issues in this consolidated appeal have made this extension necessary, and BHFS (presuming the representation continues) requires additional time to effectively address these issues for the Court.

Dated this 16th day of October, 2015.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Kirk B. Lenhard

KIRK B. LENHARD, ESQ., Bar No. 1437

klenhard@bhfs.com

TAMARA BEATTY PETERSON, ESQ., Bar No. 5218

tpeterson@bhfs.com

BENJAMIN K. REITZ, ESQ., Bar No. 13233

breitz@bhfs.com

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

Telephone: 702.382.2101

Facsimile: 702.382.8135

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed and served the foregoing **MOTION FOR EXTENSION OF TIME** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on October 16, 2015 upon the following:

WHITNEY B. WARNICK, ESQ.
ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT
801 South Rancho Drive, Suite D-4
Las Vegas, NV 89106
Attorneys for Kathryn A. Bouvier

JOSEPH J. POWELL, ESQ.
THE RUSHFORTH FIRM, LTD.
P.O. Box 371655
Las Vegas, NV 89137-1655
Attorneys for Jacqueline M. Montoya

I hereby certify that on October 16, 2015, I served a copy of this document by mailing a true and correct copy, postage prepaid, via U.S. Mail, addressed to the following:

MICHAEL K. WALL, ESQ.
HUTCHISON & STEFFEN, LLC
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
*Attorneys for Fredrick P. Waid,
Court-appointed Trustee*

/s/ Erin Parcels
an employee of Brownstein Hyatt
Farber Schreck, LLP