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Attorneys for Respondent Catherine Rodriguez

Electronically Filed
Jun 12 2015 09:47 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF NEVADA

NATIONSTAR MORTGAGE, LLC;
AND THE BANK OF NEW YORK
MELLON F/K/A THE BANK OF
NEW YORK AS TRUSTEE FOR THE
HOLDERS OF THE CERTIFICATES,
FIRST HORIZON MORTGAGE
PASSTHROUGH CERTIFICATES
SERIES PHAMS 2005-AA5, BY
FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE
BANK NATIONAL MASTER
SERVICER, IN ITS CAPACITY AS
AGENT FOR THE TRUSTEE
UNDER THE POOLING AND
SERVICING AGREEMENT,

Appellants,

VS.

CATHERINE RODRIGUEZ,
Respondent.

Supreme Court No. 66761
District Court Case No. A685616

1 **RESPONDENT'S EMERGENCY MOTION UNDER NRAP 27(e)**
2 **TO EXTEND THE TIME TO FILE RESPONDENT'S**
3 **ANSWERING BRIEF (FIRST REQUEST)**

4 Pursuant to NRAP 27(e), an Answering Brief is necessary on or before Friday,
5 June 12, 2015.

6 Respondent requests, pursuant to NRAP 26(b)(1)(A), NRAP 27(e), and
7 NRAP 31(b)(3) an extension of time of thirty (30) days up to and including July 12,
8 2015 in which to file their Answering Brief to Appellants' Opening Brief. The brief
9 is currently due to be filed June 12, 2015. This extension is necessary for the
10 Respondent to fully respond to the complex issues brought up in the Appellants
11 Brief.

12 This is Respondent's first request for an extension. On June 8, 2015,
13 Respondent sent a Stipulation requesting Appellants' to agree to an extension of time
14 for Respondent to file her Answering Brief. Appellants' counsel stated he was
15 waiting for confirmation from Appellants. Follow up requests via email and phone
16 calls resulted in the same response. On the evening of June 11, 2015, the night
17 before the Brief was due, Appellants' counsel resulted in the same response; waiting
18 for confirmation. As a result, Respondent is filing this Emergency Motion and

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1 requesting this Court to approve a thirty (30) day extension.

2 Accordingly, Respondent requests an extension as explained above.

3
4 DATED this 12th day of June, 2015.

5 **CONNAGHAN NEWBERRY**
6 **LAW FIRM**

LEGAL AID CENTER OF
SOUTHER NEVADA, INC.

7
8 /s/ Tara D. Newberry, Esq.

9 TARA D. NEWBERRY, ESQ.

10 Nevada Bar No. 10696

11 7854 W. Sahara Ave.

12 Las Vegas, NV 89117

13 *Attorney for Respondent*

/s/ Venicia G. Considine, Esq.

VENICIA G. CONSIDINE, ESQ.

Nevada Bar No. 11544

725 E. Charleston Blvd.

Las Vegas, NV 89104

Attorney for Respondent

**NRAP 27(E) CERTIFICATE
AFFIDAVIT OF VENICIA G. CONSIDINE, ESQ.**

I, Venicia G. Considine, counsel for Respondent identified in the above-captioned case, declare under perjury as follows:

1. I am a staff attorney at the Legal Aid Center of Southern Nevada, Inc. I am co-counsel with Tara D. Newberry, of Connaghan Newberry Law Firm, and together we represent Catherine Rodriguez ("Respondent").

2. The attorney for the parties to this case are as follows:

- a. Tara D. Newberry, Esq.
Connaghan Newberry Law Firm
7854 W. Sahara Ave.
Las Vegas, NV 89117
Telephone: 702-608-4232
- b. Venicia G. Considine, Esq.
Legal Aid Center of Southern Nevada, Inc.
725 E. Charleston Blvd.
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Telephone: 702-386-1437
- c. Gary E. Schnitzer, Esq.
Tyler J. Watson, Esq.
Kravitz, Schnitzer & Johnson, Chtd.
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123
Telephone: 702-222-4149

3. Respondent's Answering Brief is due Friday, June 12, 2015.

- 1 4. Respondent sent a request to Appellant's attorneys on Monday, June 8,
2 2015 to stipulate to an extension of time for Respondent to file her
3 Answering Brief.
4
5 5. This is Respondent's first request for an extension of time.
6
7 6. Appellants' attorney Mr. Schnitzer responded that he was waiting for his
8 client to respond.
9
10 7. As of the evening of June 11, 2015, Appellants' attorney, via email,
11 stated he was still waiting for a confirmation from his clients.
12
13 8. As the Answering Brief is due June 12, 2015, Respondent is compelled to
14 file this emergency motion requesting an extension to avoid breaching
15 the deadline for her brief.
16
17 9. Affiant certifies this Motion, pursuant to NRAP 27(e)(1), was filed at the
18 earliest possible time.
19
20 10. Appellants' counsel will be served electronically upon filing of this
21 Motion.
22
23 11. The statements contained in the affidavit are based upon Affiants own
24 first-hand knowledge or, if indicated, based upon information and belief.

25 DATED this 11th day of June, 2015

26 /s/ Venicia G. Considine, Esq.
27 VENICIA G. CONSIDINE, ESQ.
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