

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAZEN ALOTAIBI,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 67380

District Court Case No. CV13-287173-1
DEPT. XXIII
Electronically Filed
Jun 24 2015 09:23 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DEFENDANT/APPELLANT MAZEN ALOTAIBI'S MOTION FOR
EXTENSION OF TIME WITHIN WHICH TO FILE OPENING BRIEF
(SECOND REQUEST)**

COMES NOW, Defendant/Appellant, MAZEN ALOTAIBI, by and through his attorney, DOMINIC P. GENTILE, ESQ. of the law firm of GENTILE CRISTALLI MILLER ARMENI & SAVARESE, pursuant to NRAP 27 and 31(b)(3), and hereby respectfully requests a sixty-day (60) day extension of time within which to file Appellant's Opening Brief and Appendix.

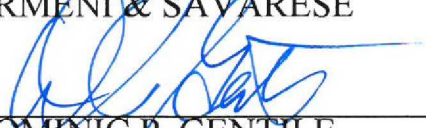
IN SUPPORT of this Motion, counsel for Appellant respectfully assigns the following:

1. That Appellant's Opening Brief and Appendix were originally due to be filed in this matter on June 10, 2015;
2. That on June 5, 2015, the undersigned counsel obtained a 5-day telephonic extension of time within which to file Appellant's Opening Brief and Appendix;
3. That said June 5, 2015 5-day telephonic extension of time has been the only extension of time for the filing of the Opening Brief and Appendix in this matter that has been sought by Appellant or granted to date;
4. That no previous request for extension of time has been denied or denied in part;

- 1 5. That, as a result of said June 5, 2015 5-day telephonic extension of time,
2 Appellant's Opening brief and Appendix are currently due on June 24,
3 2015;
4 6. That a 60-day extension of time is hereby requested, which would make
5 Appellant's Opening brief and Appendix due on August 24, 2015;
6 7. That a second extension of time is necessary to permit counsel for
7 Appellant adequate time within which to properly research and prepare
8 Appellant's arguments on appeal, particularly in view of the other current
9 professional obligations of counsel, as set forth in the attached
10 Declaration of Dominic P. Gentile, Esq.; and
11 8. That, in addition, Appellant's Motion to Stay Direct Appeal and for
12 Remand to Permit Predicate Filing of Petition for Post-Conviction Relief
13 and Evidentiary Hearing Thereon remains pending before the Court as of
14 the filing of the instant Motion.

15 Dated this 23rd day of June, 2014.

16 GENTILE CRISTALLI MILLER
17 ARMENI & SAVARESE

18 
19 _____
20 DOMINIC P. GENTILE
21 Nevada Bar No. 1923
22 410 South Rampart Boulevard, Suite 420
23 Las Vegas, Nevada 89145
24 (702) 880-0000
25 Attorneys for Defendant Mazen Alotaibi
26
27
28

DECLARATION OF DOMINIC P. GENTILE, ESQ.

I, Dominic P. Gentile, do declare as follows:

1. I am an attorney duly licensed to practice law in the State of Nevada, and I am currently attorney of record for Defendant/Appellant Mazen Alotiabi and the author of the Opening Brief in this matter.
2. This appeal arises from Appellant's conviction on multiple felony counts, resulting in his being sentenced to a term of, *inter alia*, imprisonment for life with parole eligibility after a minimum of 35 years of imprisonment have been served.
3. Reviewing the trial record, narrowing the issues for appeal, completing the necessary legal research and writing to properly prepare the Appellant's Opening Brief is a substantial undertaking in this case and additional time is needed; particularly in consideration of the current demands and other professional obligations of my extremely busy day-to-day law practice, which have made it impossible for me to complete the Opening Brief by the appointed time, even taking into account the exercise of due diligence.
4. I have a firm trial setting in the matter of *Dulce Bazan vs. Aria Resort and Casino LLC, et al.*, Eighth Judicial District Court Case No.: A-13-683248-C. This trial is set to commence on June 29, 2015 and to last through July 2, 2015.
5. I have a prior commitment to the State Bar of Nevada, as an instructor at the Nevada State Bar Trial Academy and will be out-of-town from July 8, 2015 through July 11, 2015 for that purpose.
6. I have a total of twenty-four (24) Motions in Limine scheduled to be heard on July 14, 2015 in the matter of *Brett Alexander vs. Brett Mauren*, Eighth Judicial Court Case No.: A-13-687062-C; and have a firm trial setting for August 3, 2015 in that matter.

1 7. I have an opening brief and appendix due on July 20, 2015 in the United
2 States Court of Appeals for the Fifth Circuit in the complex matter entitled
3 *In Re: Deepwater Horizon, Lake Eugenie Land & Development, Inc. v. BP*
4 *Exploration & Production, Inc. et al., Glenn J. Lerner, Jonathan B. Andry,*
5 *Movants-Appellants v. Louis J. Freeh, Special Master, Appellee, Case No.:*
6 *15-30265.*

7 8. The demands of my preparation for all of the aforementioned trials, briefs
8 and other commitments has made it impossible to complete the Opening
9 Brief in this case by the current June 24, 2015 deadline, even taking into
10 account the exercise of due diligence.

11 WHEREFORE, premises considered, Defendant/Appellant, Mazen Alotiabi
12 respectfully requests that the time for filing his Opening Brief and Appendix be
13 extended from June 24, 2015 to and including August 24, 2015.

14 Dated this 23rd day of June, 2014.

15
16 Respectfully submitted.

17 GENTILE CRISTALLI MILLER
18 ARMENT & SAVARESE

19 _____
20 DOMINIC P. GENTILE
21 Nevada Bar No. 1923
22 KORY KAPLAN
23 Nevada Bar No. 13164
24 410 South Rampart Boulevard, Suite 420
25 Las Vegas, Nevada 89145
26 (702) 880-0000
27 Attorneys for Defendant Mazen Alotaibi
28

1 **CERTIFICATE OF SERVICE**

2 The undersigned, an employee of Gentile Cristalli Miller Armeni & Savarese,
3 hereby certifies that on the 23rd day of June, 2015, I served a copy of the
4 **DEFENDANT/APPELLANT MAZEN ALOTAIBI'S MOTION FOR**
5 **EXTENSION OF TIME WITHIN WHICH TO FILE OPENING BRIEF**
6 **(SECOND REQUEST)**, by electronic, and by placing said copy in an envelope,
7 postage fully prepaid, in the U.S. Mail at Las Vegas, Nevada, said envelope
8 addressed to:

9 Clark County District Attorney's Office – Criminal Division
10 Steven B. Wolfson, District Attorney
11 Mary Kay Holthus, Chief Deputy District Attorney
12 Email: mary.holthus@clarkcountynyda.com
13 Jacqueline M. Bluth, Chief Deputy District Attorney
14 Email: jacqueline.bluth@clarkcountynyda.com
15 Regional Justice Center
16 200 Lewis Avenue
17 Las Vegas, NV 89155
18 Counsel for the State of Nevada

19 ADAM PAUL LAXALT, ESQ.
20 Nevada Attorney General
21 100 N. Carson Street
22 Carson City, Nevada 89701-4717
23 (775) 684-1108
24 Counsel for Respondent
25
26
27
28


An employee of
GENTILE CRISTALLI MILLER
ARMENI & SAVARESE