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Tracie K. Lindeman
Clerk of Supreme Court

6 **IN THE SUPREME COURT OF THE**
7 **STATE OF NEVADA**

8 CARLOS A. HUERTA, an individual; CARLOS
9 A. HUERTA as Trustee of THE ALEXANDER
10 CHRISTOPHER TRUST, a Trust established in
11 Nevada as assignee of interests of GO GLOBAL,
12 INC., a Nevada corporation;

11 Appellants,

13 v.

14 SIG ROGICH aka SIGMUND ROGICH as
15 Trustee of The Rogich Family Irrevocable Trust;
16 ELDORADO HILLS, LLC, a Nevada limited
17 liability company; DOES I-X; and/or ROE
18 CORPORATIONS I-X, inclusive,

17 Respondents.
18
19 _____

20 AND ALL RELATED MATTERS

Case No. 67595

District Court Case No.: A-686303

21 **APPELLANTS' REPLY IN SUPPORT OF MOTION**
22 **TO EXTEND BRIEFING SCHEDULE**

23 Appellants, by and through their counsel of record, Brandon B. McDonald, Esq. of McDonald
24 Law Offices, PLLC hereby files this Reply in Support of its Motion to Extend Briefing Schedule.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **SUPPLEMENTAL LEGAL ARGUMENT**

4 **A. APPELLANTS' REQUEST TO CONTINUE THE BRIEFING SCHEDULE SHOULD BE**
5 **GRANTED BECAUSE THE CLIENTS' DESIRE TO HAVE OTHER COUNSEL IS**
6 **JUSTIFIABLE CAUSE.**

7 Appellants' desire to seek and retain new counsel is just and good cause to grant their request for
8 an extension, and Respondents' interpretation of NRAP 31(b)(3)(B) is flawed since it only takes a small
9 piece of the statute to construe its conclusion that the continuance is barred. NRAP 31(b)(3)(B) states
10 that continuances beyond what the parties are permitted to agree upon by stipulation are not favored:

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

14 (B) Motions in All Appeals Except Child Custody, Visitation, or Capital
15 Cases. Applications for extensions of time beyond that to which the parties are permitted
16 to stipulate under Rule 31(b)(2) are not favored. The Supreme Court will grant a motion
17 for extension of time for filing a brief only upon a clear showing of good cause. The court
18 shall not grant additional extensions of time except upon a showing of extraordinary
19 circumstances and extreme need.

20 *Id.*

21 There is no indication that the sentences in the statute are meant to be construed in a disjunctive fashion.
22 Thus only continuances that parties may not stipulate to are disfavored, and those continuances will only
23 be granted in extreme need and good cause. *Id.* The parties in this matter could enter into a stipulation
24 to allow for a continuance of 60 to 90 days, just as they same counsel did in Antonio Nevada, LLC v.
25 Eldorado Hills, LLC, et al., Nevada Supreme Court, Case No. 64763 (in which the Appellants filed a
26 motion to continue their brief, and the parties stipulated to respondent's submitted their brief twice). As
27 the parties could evidently stipulate to the continuance as noted in Case No. 64763, Respondent's
28

1 interpretation of NRAP 31(b)(3)(B) does not apply.¹

2 **II.**

3 **CONCLUSION**

4 Wherefore based on the foregoing, Appellants request that the briefing schedule be continued 90
5 days.

6 DATED this 28th day of October, 2015.

7 McDONALD LAW OFFICES, PLLC

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25 ¹ Even if the interpretation of rule did apply, the fact that Appellants do not desire to have their current
26 counsel submit the brief is cause enough to grant the motion. Under the Nevada Rules of Professional
27 Conduct, counsel cannot act without the consent of his clients. *See* NRPC 1.2(stating that the lawyer
28 shall abide by the client's decision regarding objectives and scope of representation).

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that on this 28th day of October, 2015, service of the foregoing **APPELLANTS' REPLY IN SUPPORT OF MOTION TO EXTEND BRIEFING SCHEDULE** was made by submission of the same to the Nevada Supreme Court electronic filing system to the parties identified below, through their respective registration and service profile:

Samuel L. Lionel, Esq.

Brandon B. McDonald, Esq.

/s/ Eric Tucker
An employee of McDonald Law Offices, PLLC