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11 **IN THE SUPREME COURT FOR THE STATE OF NEVADA**

12 \*\*\*\*

13 HOWARD SHAPIRO and JENNA  
14 SHAPIRO,

15 Appellants,

16 vs.

17 GLENN WELT, RHODA WELT, LYNN  
18 WELT, and MICHELLE WELT,

19 Respondents/Cross-Appellants

Supreme Court No. 67363  
Dist. Ct. No. A-14-706566-C

**APPELLANTS AND  
CROSS-RESPONDENTS'  
HOWARD AND JENNA  
SHAPIRO'S MOTION TO  
EXTEND TIME TO FILE  
REPLY BRIEF**

20 GLEN WELT, RHODA WELT, LYNN  
21 WELT, and MICHELLE WELT,

22 Appellant,

23 vs.

24 HOWARD SHAPIRO and JENNA  
25 SHAPIRO,

26 Respondent.

Supreme Court No. 67596  
Dist. Ct. No. A-14-706566-C

1 Appellants/Cross-Respondents Howard Shapiro and Jenna Shapiro  
2 (collectively “Shapiros”), by and through their counsel of record, Evan D. Schwab,  
3 Esq. of the Schwab Law Group PLLC request that the Court extend the time for  
4 filing the Appellant/Cross-Respondents’ Reply Brief in the above referenced  
5 matter. On December 7, 2015, Respondent/Cross-Appellant’s Glenn Welt, Rhoda  
6 Welt, Lynn Welt and Michelle Welt (the “Welts”) filed their Motion to File  
7 Supplemental Answering Brief in 67363.<sup>1</sup> While the Court has not yet ruled on the  
8 Motion to File Supplemental Briefing, the existing deadline for the Shapiros’  
9 Reply Brief is January 6, 2016. This Motion is based upon good cause as the  
10 interests of justice, judicial economy and a concise and orderly briefing process  
11 would be facilitated by permitting the Shapiros to complete their Reply brief after  
12 the Welts have completed all of their briefing in this matter and the Court has made  
13 a determination on whether Supplemental Briefing will be permitted.  
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27 <sup>1</sup> The Welts had filed their initial Answering Brief on or about November 23,  
28 2015.

1 The Shapiros would request an extension of time of at least thirty (30) days  
2 following the filing of any Supplemental Briefing or the denial of Supplemental  
3 Briefing to file the Reply Brief.  
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5 Dated this 6<sup>th</sup> day of January 2016

6 Schwab Law Group PLLC

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8 /s/ *Evan D. Schwab*

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18 *Howard and Jenna Shapiro*

### 19 **Points and Authorities**

20 The instant case arises out of a claim for including but not limited to  
21 defamation in Clark County District Court by the Shapiros against the Welts. The  
22 underlying appeal contains an issue of first impression concerning Nevada's Anti-  
23 SLAPP statute, which has been much contested in the Nevada State Legislature.  
24 The Shapiros filed a Notice of Appeal on or about February 5, 2015 and the same  
25 Notice of Appeal was docketed in the Nevada Supreme Court. At the time of the  
26 filing of Notice of Appeal and until mid-December 2016, the Shapiros were  
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1 represented by Attorney Alex B. Ghibaud, Esq. who is no longer with the Schwab  
2 Law Group PLLC. The Shapiros are presently represented by Attorney Evan D.  
3 Schwab, Esq. The Shapiros received a telephonic extension to file their opening  
4 brief on or about September 14, 2015. On or about October 2, 2015, the Shapiros  
5 filed a Motion to extend the time for filing the Opening Brief.  
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8 On or about November 23, 2015, the Welts filed their Answering Brief. On  
9 or about December 7, 2015, the Welts filed a Motion to File a Supplemental  
10 Answering Brief. On or about December 18, 2015, the Shapiros filed a Notice of  
11 Non-Opposition to the Motion to File a Supplemental Answering Brief and  
12 requested an extension of time of at least forty-five (45) days following the filing  
13 of the Supplemental Brief in which to file a Reply Brief. To date, the Court has  
14 not ruled on the Welts' Motion. There are other outstanding issues as well before  
15 the Court, namely whether third parties will receive leave to file Amici Curiae  
16 briefing. Specifically, third-parties NPA, Trip Advisor and Yelp filed a Motion for  
17 leave to file Amici Curiae briefing on December 17, 2015.  
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22 The Reply brief was initially due on December 23, 2015. Attorney Schwab  
23 requested a fourteen (14) day extension of time on behalf of the Shapiros on  
24 December 23, 2015 due and owing in a large part to the fact that the Court had not  
25 ruled on the Motion to File a Supplemental Answering Brief. This telephonic  
26 request was granted and the Reply Brief became due on or before January 6, 2016.  
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1 To date, there has been no ruling on the Motion to File Supplemental Answering  
2 Brief. Judicial economy, the interests of justice, and an orderly briefing process  
3 would be assisted by permitting the Answering Brief(s) to be completed first  
4 before the Reply Brief would need to be filed.  
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6 NRAP 31(b)(3) provides that a “motion for extension of time for filing a  
7 brief may be made no later than the due date for the brief and must comply with  
8 the provision of this Rule and Rule 27.” In the instant matter, the Reply Brief  
9 would be due on January 6, 2016 and the instant Motion is filed in a timely manner  
10 on said due date. As set forth above, there is good cause and grounds to extend the  
11 filing deadline for the Reply Brief. First of all, the issue at hand is one of first  
12 impression and a significant issue of public policy, namely the Anti-SLAPP  
13 Statute. Second, the Court is still weighing whether the Welts will be permitted to  
14 file a Supplemental Answering Brief. Orderly briefing and the interests of Justice  
15 would warrant that the Answering Brief(s) be completed prior to any Reply Briefs  
16 being filed. This likewise avoid the Court and the parties from having to deal with  
17 multiple briefs on multiple issues and would allow the Court a consolidated Reply  
18 Brief for ease of use. Third, the timing of the holidays and the untimely departure  
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1 of the attorney of records for the Shapiros would warrant an extension to allow the  
2 matters at hand to be address in an orderly manner and on the merits.<sup>2</sup>

3  
4 Dated this 6<sup>th</sup> day of January 2016

5 Schwab Law Group PLLC

6 /s/ *Evan D. Schwab*

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26 <sup>2</sup> For a more detailed discussion of the departure of counsel for the Shapiros, please  
27 see some of the briefing in Nevada Supreme Court Case No. 68579. A further  
28 discussion of tabloid type reading is not necessary in the instant matter.

1 **Certificate of Service**

2 Pursuant to NRAP 25, on January 6, 2016 the *Motion to Extend Time to*  
3 *File Reply Brief* was served upon each of the parties to appeal 67363 via electronic  
4 service through the Supreme Court of Nevada’s electronic filing.  
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6 /s/ *Evan D. Schwab*  
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9 An Employee of Schwab Law Group PLLC  
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