

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

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

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

Appellant,

vs.

JACQUELINE M. MONTOYA; AND  
KATHRYN A. BOUVIER,

Respondents.

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

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ELEANOR CONNELL HARTMAN  
AHERN,

Appellant,

vs.

KATHRYN A. BOUVIER; AND  
JACQUELINE M. MONTOYA,

Respondents.

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Tracie K. Lindeman  
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District Court Case No.:  
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

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**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:

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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:

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