

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

2 MATT KLABACKA,
3 DISTRIBUTION TRUSTEE OF
4 THE ERIC L. NELSON NEVADA
TRUST DATED MAY 30, 2001,

5 Appellant/Cross-Respondent,
6 and

7 LYNITA SUE NELSON,
8 INDIVIDUALLY, AND IN HER
CAPACITY AS INVESTMENT
9 TRUSTEE OF THE LSN NEVADA
TRUST DATED MAY 30, 2001,
10 AND ERIC L. NELSON,
INDIVIDUALLY,
11 AND IN HIS CAPACITY AS
INVESTMENT TRUSTEE OF THE
ERIC L. NELSON NEVADA
12 TRUST DATED MAY 30, 2001,

13 Respondents/Cross-Appellants.

SUPREME COURT CASE NO.: 66772

Consolidated Case No. 68292
Electronically Filed
Jan 29 2016 10:38 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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16 RESPONDENT/CROSS-APPELLANT, LYNITA SUE NELSON'S, MOTION
17 FOR EXTENSION OF TIME TO FILE COMBINED ANSWERING BRIEF ON
18 APPEAL AND OPENING BRIEF ON CROSS-APPEAL

19 COMES NOW, Respondent/Cross-Appellant, LYNITA SUE NELSON
20 ("Lynita"), individually and in her capacity as Investment Trustee of the LSN Nevada
21 Trust dated May 30, 2001, and pursuant to NRAP 31(b)(2) moves this Honorable
22 Court for a 15 day extension of time to file her combined answering brief on appeal
and opening brief on cross-appeal.

23 Lynita's combined answering brief on appeal and opening brief on cross-appeal
24 is currently due on February 1, 2016.

25 One prior extension of time was previously granted to all parties pursuant to
26 stipulation. Specifically, the due date for Appellant's opening brief was extended
27 from October 6, 2015 to November 30, 2015. Based on the extended due date for the
28 opening brief, Lynita's answering brief on appeal and opening brief on cross-appeal

1 would have been due on December 30, 2015 (30 days after the opening brief) but for
2 the agreed upon extension to February 1, 2016.¹

3 No prior requests for extensions of time have been denied, and other than the
4 parties' stipulation, this is the only other request for extension of time that has been
5 made.

6 The extension is necessary to allow counsel time to complete Lynita's
7 answering brief on appeal and opening brief on cross-appeal. This is a complex
8 appeal which arises from a nearly 5-year divorce and trust litigation in the district
9 court which included approximately 14 days of trial. Appellant's Opening Brief served
10 on November 30, 2015 is 53 pages long and raises 16 issues on appeal. The
11 Appendix served consists of 30 volumes and 7,489 pages of documents. Despite the
12 voluminous nature of Appellant's Appendix, it appears that numerous documents
13 admitted at trial are not included in same, which exhibits Lynita's counsel believes
14 are necessary for the Court's review on appeal.

15 The Appellant had over 6 months to prepare the Opening Brief and the
16 Appendix due to the consolidation of multiple appeals and the previously agreed
17 upon extension of time, while Lynita has had only 2 months during December and
18 January in which to review the voluminous Appendix prepared by Appellant and to
19 attempt to complete an answering brief and opening brief on cross-appeal.
20 Specifically, on May 19, 2015, the Court issued its Order Reinstating Briefing,
21 ordering Appellant to file an opening brief within 90 days (by no later than August
22 17, 2015). Before said due date, however, a second appeal was filed, Docket No.
23 68282. On July 8, 2015, the Court issued its Order Consolidating Appeals and
24 Granting Stay Conditioned on Posting of Bond ("Order Consolidating"). The Order

25 ¹ The Order granting said extension stated that the date to file the opening brief was being
26 extended 55 days, and the date to file the combined answering brief and opening brief on cross-
27 appeal was being extended 87 days. The 87 day calculation was based on a due date for the
28 answering brief and opening brief on cross-appeal which assumed that the opening brief was filed
by October 6, 2015. Based on the extended date for filing the opening brief, the extension for the
answering brief and opening brief on cross-appeal was in reality only 32 days.

1 Consolidating consolidated the appeals between the parties, and ordered Appellant
2 to file a single opening brief within 90 days, thereby extending the initial due date of
3 August 17, 2015 to October 6, 2015 (50 days). The parties then stipulated to extend
4 the due date for the opening brief another 55 days. At the time that the parties
5 entered into their stipulation, Lynita and her counsel did not have the benefit of
6 having the Opening Brief and Appendix ultimately filed by Appellant, to more
7 accurately estimate the time that would be required to respond to same.


8 In addition to the complexity of this matter and volume of information, which
9 in and of itself necessitates an extension of time, counsel has another answering brief
10 due to this Court in another appeal the very next day after Lynita's brief is due in this
11 matter (on February 2, 2016). Counsel has worked diligently to attempt to complete
12 the briefs in both matters, but at this time, requires a brief period of additional time
13 in this appeal (the other matter is far less complex or voluminous which is why an
14 extension is being requested in this appeal only). The Dickerson Law Group has also
15 had 1 of its 4 attorneys away on maternity leave since December 10, 2015, which has
16 increased the workload for the other attorneys in the office.

17 The extension requested is 15 days and would make Lynita's answering brief
18 on appeal and opening brief on cross-appeal due on February 16, 2016.

19 For the reasons set forth above, Lynita and her counsel respectfully request that
20 the Court grant the requested 15 day extension of time.

21 DATED this 29th day of January, 2016.

22 THE DICKERSON LAW GROUP

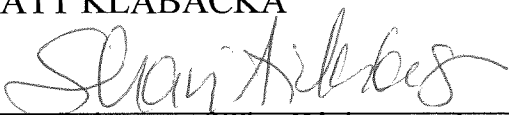
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1 CERTIFICATE OF SERVICE

2 I certify that I am an employee of THE DICKERSON LAW GROUP, and that
3 on this 29th day of January, 2016, I filed a true and correct copy of the foregoing
4 RESPONDENT/CROSS-APPELLANT, LYNITA SUE NELSON'S, MOTION FOR
5 EXTENSION OF TIME TO FILE COMBINED ANSWERING BRIEF ON APPEAL
6 AND OPENING BRIEF ON CROSS-APPEAL, with the Clerk of the Court through
7 the Court's eFlex electronic filing system and notice will be sent electronically by the
8 Court to the following:

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16 An employee of The Dickerson Law Group
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