IN THE SUPREME COURT OF THE STATE OF NEVADA

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No.: 6 Electronically Filed CLARK COUNTY SCHOOL DISTRICT, Nov 18 2015 11:17 a.m. Tracie K. Lindeman

District Cour Clerks of Supreme Court 668833-C

District Court Dept. No.: XV (Hon. Joe Hardy)

CLERK OF THE NEVADA SUPREME COURT: TO:

Appellant,

Respondent.

MAKANI KAI PAYO,

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S OPENING BRIEF (FIRST REQUEST)

Appellant, Clark County School District, pursuant to NRAP 26(b)(1), respectfully requests an extension of time in which to file the Index and Opening Brief in this matter, until January 4, 2016.

Appellant's Opening Brief in this matter is currently due to be filed no later than December 1, 2015. Counsel for Appellant reasonably requires additional time (30 days) in which to compile the Index and complete the Opening Brief in this matter. Because January 1, 2016, is a holiday, the due date for filing Appellant's Opening Brief will be no later than Monday, January 4, 2016.

Counsel for Appellant has discussed this matter with opposing Counsel, who has advised that he has no objection to the proposed extension of time.

This is Appellant's FIRST request for an extension of time in which to file its Opening Brief in this matter.

By:

 This Motion is supported by the affidavit of Appellant's Counsel, attached hereto.

Respectfully submitted this 18 day of November, 2015.

Daniel L. O'Brien Nevada Bar No. 983

Sr. Asst. General Counsel
Office of the General Counsel
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146
Attorney for District

AFFIDAVIT OF COUNSEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

DANIEL L. O'BRIEN, being first duly sworn, deposes and says under penalty of perjury as follows:

- 1. I am an attorney, duly licensed to practice law within this jurisdiction and before this Court, Nevada Bar Number 983. I am counsel of record for the Clark County School District and I am familiar with matters pertaining to case number 68443, CLARK COUNTY SCHOOL DISTRICT v. MAKANI PAYO, presently on file in the Supreme Court of the State of Nevada.
- 2. I am familiar with the facts and circumstances set forth in the foregoing motion for extension of time in which to file Appellant's Index and Opening Brief and I know the contents thereof to be true of my own personal knowledge.

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- I have personally spoken with Robert O. Kurth, Esq., counsel for Respondent, who has stated that he does not object to the proposed continuance.
- Appellant's Counsel is still in the process of accumulating the necessary documents to complete the Index and until this is accomplished, it is difficult to prepare an Opening Brief in this matter. A thirty day extension of time is therefore reasonable and necessary to permit Counsel to present a competent Index and Brief in this matter.
- I hereby certify that I have read the foregoing Motion and that to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. understand that I may be subject to sanctions in the event that the foregoing Motion is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

SUBSCRIBED AND SWORN to before me this 1840day of November, 2015.

JOAN M. MORTIMER Notary Public State of Nevada No. 97-0282-1 My Appt, Exp. Jan. 30, 2017

CERTIFICATE OF SERVICE

HEREBY CERTIFY that the MOTION FOR EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S OPENING BRIEF (FIRST REQUEST) was filed electronically with the Nevada Supreme Court on the 18th day of November, 2015. I further certify that I served a copy of this document by depositing a true and correct copy hereof in the United States mail at Las Vegas, Nevada, postage fully prepaid, addressed as follows:

Robert O. Kurth, Jr. Kurth Law Office 3420 North Buffalo Drive Las Vegas, NV 89129 Kurthlawoffice@gmail.com Attorney for Plaintiff

AN EMPLOYEE OF THE OFFICE OF THE GENERAL COUNSEL-CCSD