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Electronically Filed
Jan 29 2016 03:22 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

In the Supreme Court of the State of Nevada

8 CLARK COUNTY SCHOOL DISTRICT,

9 Appellant,

Supreme Court No. 68443

10 vs.

11 MAKANI KAI PAYO,

12 Respondent.

MOTION TO EXTEND TIME TO FILE RESPONDENT'S ANSWERING BRIEF (FIRST REQUEST)

16 COMES NOW the Respondent, MAKANI KAI PAYO
17 (“MAKANI”), by and through his counsel, Robert O. Kurth, Jr., of the
18 KURTH LAW OFFICE, and hereby files his Motion to Extend Time to File
19 Respondent’s Answering Brief (FIRST REQUEST), and respectfully requests
20 that this Court grant his Motion. This Motion is made and based upon the
21 Points and Authorities submitted herewith, along with the pleadings and papers
22 on file herein, and good cause exists for the granting of this Motion in
23 accordance with Rule 26 and 31 of the Nevada Rules of Appellate Procedure.
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POINTS AND AUTHORITIES

In accordance with NRAP 26(b)(2) of the Nevada Rules of Appellate Procedure, this Court may extend the time to file the Answering Brief if both parties agree to stipulate to extend the time to file such:

Pursuant to NRAP 26(b)(2):

(2) Extending Time: By Stipulation.

Except as otherwise provided in these Rules, or when not otherwise controlled by statute, the time prescribed by these Rules to perform any act may be extended by stipulation of the parties. No stipulation extending time is effective unless approved by the court or a justice thereof; and such stipulations must be filed before expiration of the time period that is sought to be extended.

In light of the foregoing, the Respondent MAKANI will provide a signed stipulation from both parties stating that the parties have agreed to extend the deadline of the Respondent’s Answering Brief for forty-five (45) days, that good cause exists for the granting of this request for extension of time and no prejudice to the Appellant will result therefrom as their dates will also be extended, as this is the Respondent’s first request for an extension of time to file the Respondent’s Answering Brief.

In accordance with NRAP 31(b)(3)(B) of the Nevada Rules of Appellate Procedure, this Court may grant a motion to extend time to file a brief if the application shows extraordinary circumstances and extreme need.

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Recently, Mr. Kurth was put on notice that his law clerk, who has and continues to assist him with this litigation is ceasing her employment and beginning to study for the 2016 February Bar exam in Las Vegas, Nevada. As such, Mr. Kurth's law clerk, who has been assisting him with the preparation of the Brief, cannot readily participate in the preparation of said Brief, and MAKANI's counsel also needs additional time to prepare an appendix. Without the additional time, counsel does not believe he can effectively and zealously represent the Respondent MAKANI and his interest in this matter. Additionally, the Respondent MAKANI would be unfairly prejudiced if he is not granted the extension and the matter is not continued. Therefore, the Respondent MAKANI is requesting an additional 45 days to file and serve the Respondent's Answering Brief and any Appendix thereto.

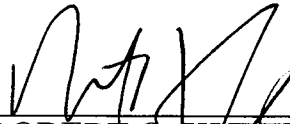
WHEREAS, the Respondent MAKANI respectfully requests that this Court grant his Motion, and allow an extension of time to file the Respondent's Answering Brief for forty-five (45) days from the original due

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1 date of January 30, 2016, which falls on a Saturday; whereas, the next business
2 day is February 1, 2016, so through March 17, 2016.

3 DATED this 29th day of January, 2016.
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5 *Respectfully Submitted by,*
6 KURTH LAW OFFICE

7 
8 _____
9 ROBERT O. KURTH, JR.
10 Nevada Bar No. 4659
11 Attorney for Respondent MAKANI

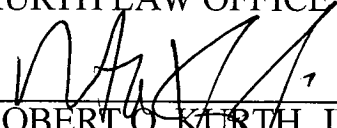
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VERIFICATION

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2 I declare under penalty of perjury that I have read the foregoing **Motion**
3 **to Extend Time to File Respondent’s Answering Brief (FIRST REQUEST)**, and
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5 state that the information provided therein is true and complete to the best of my
6 knowledge, information and belief, and except for those matters therein contained
7 stated upon information and belief, and as to those matters, I believe them to be true.
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9 DATED this 29th day of January, 2016.

10 *Respectfully Submitted by,*
11 KURTH LAW OFFICE

12 
13 _____
14 ROBERT O. KURTH, JR.
15 Nevada Bar No. 4659
16 Attorney for Respondent MAKANI
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