

**SIMON LAW**  
810 S. Casino Center Blvd.  
Las Vegas, Nevada 89101  
702-364-1650 Fax: 702-364-1655

**DANIEL S. SIMON, ESQ.**  
Nevada Bar #004750  
**ASHLEY M. FERREL, ESQ.**  
Nevada Bar #012207  
**SIMON LAW**  
810 South Casino Center  
Las Vegas, Nevada 89101  
Telephone (702) 364-1650  
Facsimile (702) 364-1655  
Attorneys for Respondents

Electronically Filed  
Mar 10 2017 02:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

EVANGELINA ORTEGA, AN INDIVIDUAL;  
AND MIRIAM PIZARRO-ORTEGA, AN  
INDIVIDUAL,

Appellants,

vs.

CHRISTIAN CERVANTES-LOPEZ, AN  
INDIVIDUAL; AND MARIA AVARCA, AN  
INDIVIDUAL,

Respondents.

**SUPREME COURT NO. 68471**

**RULE 27(e) EMERGENCY MOTION TO CONTINUE ORAL ARGUMENT**

**HEARING ON MARCH 16, 2017 AT 2:30 PM**

***(Action Required Before March 14, 2017)***

**DANIEL S. SIMON, ESQ.**  
Nevada Bar No. 4750  
**SIMON LAW**  
810 s. Casino Center Blvd.  
Las Vegas, Nevada 89101  
(702)364-1650  
Facsimile (702)364-1655  
Attorney for Respondents

**R. KADE BAIRD, ESQ.**  
Nevada Bar No. 8362  
**ROGERS, MASTERANGELO,  
CARVALHO & MITCHELL**  
300 S. Fourth Street, Suite 710  
Las Vegas, Nevada 89101  
(702)383-3400  
Facsimile (702)384-1460  
Attorney for Appellants

1 Pursuant to NRAP 26(b), 27(e) and 34(a), Respondents make this emergency motion  
2 to continue the oral argument hearing set for March 16, 2017 at 2:30 pm to a setting in May,  
3 2017. Respondents request a continuation of the oral argument due to the involvement of  
4 Appellate Counsel. On July 14, 2016, the Court ordered the matter submitted for decision  
5 based on the briefs. Then, on February 16, 2017, the Court set the matter for oral argument.  
6 Upon receiving notice of the oral argument, the undersigned then contacted Appellate Counsel  
7 to review the matter and associate in on the case. Appellate counsel needed time to review the  
8 case for any potential conflicts, as well as review all of the briefing. Appellate counsel has  
9 now agreed to associate in on the case. The current argument date of March 16, 2016 seemed  
10 to be available due to a trial continuing for Appellate Counsel. However, the undersigned  
11 learned yesterday that the trial did not get continued thereby conflicting with the current date  
12 for the oral argument. See Affidavit of Joel Henriod, Esq. submitted herewith.  
13  
14  
15

16 In any case involving personal accusations, it is advisable to have Appellate counsel  
17 involved. As reflected in the Respondents brief, the accusations are not supported by the  
18 record; however, the undersigned believes that Appellate counsel is appropriate for the  
19 argument and requests that the oral argument currently set for March 16, 2017 be continued  
20 to a time in May, 2017, which is a time all counsel for Respondent's are available. This is the  
21 first request for a continuance of the oral argument and is not made for purposes of delay.  
22  
23

24 //

25 //

26 //

27 //

28 //

SIMON LAW  
810 S. Casino Center Blvd.  
Las Vegas, Nevada 89101  
702-364-1650 Fax: 702-364-1655

Conclusion

Based on the foregoing, and the accompanying "NRAP 27(e) Certificate," Respondents respectfully request the Court grant this motion to continue the oral argument hearing.

Dated this 16<sup>th</sup> day of March, 2016.

By

  
DANIEL S. SIMON, ESQ.

Nevada Bar #004750

ASHLEY M. FERREL, ESQ.

Nevada Bar #012207

SIMON LAW

810 South Casino Center Boulevard

Las Vegas, Nevada 89101

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of March, 2017, this document was filed

electronically with the Nevada Supreme Court. Electronic service of the foregoing RULE

27(e) EMERGENCY MOTION TO CONTINUE ORAL ARGUMENT

HEARING ON MARCH 16, 2017 AT 2:30 PM (Action Required Before March 14, 2017)

shall be made in accordance with the Master Service List and further certify the document was

sent via facsimile and e-mail, as follows:

Kade Baird, Esq.

Rogers, Masterangelo, Carvalho & Mitchell

300 S. Fourth Street, Suite 710

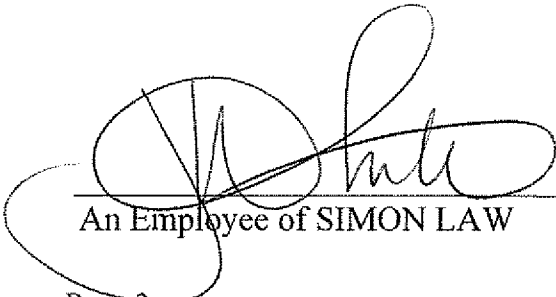
Las Vegas, NV 89101

(702) 383-3400

Fax (702) 384-1460

KBaird@rmcmllaw.com

Attorneys for Defendants

  
An Employee of SIMON LAW

# Send Result Report

MFP

TASKalfa 8001i

Firmware Version 2N7\_2000.005.105 2016.06.27

03/10/2017 14:13  
[2N7\_1000.006.001] [2N4\_1100.001.002] [2N4\_7000.005.103]

Job No.: 072382

Total Time: 0°00'39"

Page: 005

## Complete

Document: doc07238220170310141214

**SIMON LAW**  
810 S. Casino Center Blvd.  
Las Vegas, Nevada 89101  
702-364-1650 Fax: 702-364-1655

1 **DANIEL S. SIMON, ESQ.**  
Nevada Bar #004750  
2 **ASHLEY M. FERREL, ESQ.**  
Nevada Bar #012207  
3 **SIMON LAW**  
810 South Casino Center  
4 Las Vegas, Nevada 89101  
Telephone (702) 364-1650  
5 Facsimile (702) 364-1655  
Attorneys for Respondents

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

7

8 **EVANGELINA ORTEGA, AN INDIVIDUAL; SUPREME COURT NO. 68471**  
9 **AND MIRIAM PIZARRO-ORTEGA, AN**  
10 **INDIVIDUAL,**  
11 **Appellants,**  
12 **vs.**  
13 **CHRISTIAN CERVANTES-LOPEZ, AN**  
14 **INDIVIDUAL; AND MARIA AVARCA, AN**  
15 **INDIVIDUAL,**  
16 **Respondents.**

17 **RULE 27(e) EMERGENCY MOTION TO CONTINUE ORAL ARGUMENT**  
18 **HEARING ON MARCH 16, 2017 AT 2:30 PM**  
19 **(Action Required Before March 14, 2017)**

20 **DANIEL S. SIMON, ESQ.**  
Nevada Bar No. 4750  
21 **SIMON LAW**  
810 s. Casino Center Blvd.  
22 Las Vegas, Nevada 89101  
(702)364-1650  
23 Facsimile (702)364-1655  
Attorney for Respondents

24 **R. KADE BAIRD, ESQ.**  
Nevada Bar No. 8362  
25 **ROGERS, MASTERANGELO,**  
26 **CARVALHO & MITCHELL**  
300 S. Fourth Street, Suite 710  
27 Las Vegas, Nevada 89101  
(702)383-3400  
28 Facsimile (702)384-1460  
Attorney for Appellants

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	03/10/17 14:12	7023841460	0°00'39"	FAX	OK	200x100 Normal/On

### DECLARATION OF JOEL HENRIOD

1. I am an attorney licensed to practice in Nevada.
2. Mr. Simon reached out to me during the week of February 27th, to ask if I would appear in this case for the oral argument.
3. I said that, as a general matter, I would be happy to assist him but would need to check for potential client conflicts and availability, and to review the briefs and the record.
4. Earlier this week, I informed Mr. Simon that I was willing and probably would be free to handle the oral argument on March 16th. Specifically, while I was slated to play an important team role in an evidentiary hearing around March 16th, it appeared nearly certain that the hearing would be vacated or continued.
5. I learned late yesterday that that evidentiary hearing is going forward.
6. If the oral argument in this case were to be rescheduled, I would appear and handle the argument.
7. As a secondary (much less important) consideration, if the Court decides to reschedule the argument, a setting in May or later would be appreciated, as the April panel arguments appear to fall during the spring break of the Clark County School District. And my

family has been looking forward to a vacation. Nevertheless, I would handle the oral argument even if it is set in April.

Dated this 10th day of March, 2017.



JOEL D. HENRIOD