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Tracie K. Lindeman
Clerk of Supreme Court

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

14 **

15 FRANK MILFORD PECK,

16 Appellant,

17 vs.

18 VALLEY HOSPITAL MEDICAL
19 CENTER; DAVID R. ZIPF, M.D.; AND
20 MICHAEL D.BARNUM, M.D.,

21 Respondents

Supreme Court No. 68664

**JOINT MOTION TO EXTEND
BRIEFING DEADLINES**

22 COME NOW, APPELLANT, FRANK MILFORD PECK, by and through
23 his counsel of record, Rachel E. Donn, Esq. and Andrea M. Gandara, Esq. of
24 Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson; RESPONDENT,
25 MICHAEL D. BARNUM, M.D., by and through his counsel of record, David J.
26 Mortensen, Esq. and Brigitte E. Foley, Esq. of Alverson, Taylor, Mortensen &
27 Sanders; and RESPONDENT DAVID R. ZIPF, M.D., by and through his counsel
28 of record, Dylan P. Todd, Esq. and Jill M. Chase, Esq. of McCormick Barstow,
LLP, and hereby move this Honorable Court to extend the remaining briefing

1 deadlines on behalf of the above-referenced parties.

2 Pursuant to NRCP 31(b)(3)(A)(i)-(v), the parties state the following in
3 support of this Motion:
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5 1. Respondents, Dr. Barnum and Dr. Zipf's Answering Briefs are
6 currently due on **Thursday, August 18, 2016**; and Appellant, Frank Peck's Reply
7 Brief is currently due on **Monday, October 17, 2016**.
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9 2. The parties previously filed a stipulation to extend the remaining
10 briefing by thirty (30) days on June 28, 2016, which the Court granted. On August
11 2, 2016, the parties filed a second stipulation to extend the remaining briefing by
12 an additional fourteen (14) days, which the Court has yet to rule on. Appellant
13 filed his Opening Brief on June 2, 2016, thereby making Respondents' Answering
14 Briefs initially due on Tuesday, July 5, 2016, and Appellant's Reply Brief due on
15 Thursday, August 4, 2016.
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18 3. None of the parties' previously-requested extensions have been
19 denied.
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21 4. Counsel for Respondent, Dr. Zipf, was unexpectedly required to be
22 out of the country from August 14, 2016 until August 22, 2016, and was unable to
23 assign completion of the Answering Brief to alternate counsel prior to his
24 departure. Counsel for Dr. Barnum is working to assign completion of the
25 Answering Brief to alternate counsel in her office, as she will likely be going on
26 maternity leave prior to the present deadline to submit the Answering Brief.
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1 Counsel for Appellant is agreeable to Respondents' request for an additional 13-
2 day extension, and she has acknowledged that such an extension would not
3 prejudice her or her client. Accordingly, good cause exists to grant the additional
4 extension of the deadline for Dr. Barnum and Dr. Zipf's Answering Briefs to on or
5 before **August 31, 2016**.
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8 Appellant is also requesting an additional extension to file his Reply Brief to
9 Dr. Barnum and Dr. Zipf's Answering Briefs, as counsel for Appellant is expected
10 to go on maternity leave around the time of the present Reply Brief deadline, and
11 she will not return to work until February 2017. Appellant's counsel is acting as
12 pro bono counsel, and therefore, cannot assign another attorney to complete the
13 briefing on this matter in her absence. In addition, counsel for Respondents, Dr.
14 Barnum and Dr. Zipf have acknowledged that such an extension would not
15 prejudice them or their clients. Accordingly, good cause exists to grant the
16 additional extension of the deadline for Appellant, Frank Peck to file his Reply
17 Brief(s) to Dr. Barnum and Dr. Zipf's Answering Briefs to on or before **Friday,**
18 **February 17, 2016**.
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22 5. Respondents, Dr. Barnum and Dr. Zipf hereby request an additional
23 extension to file their Answering Briefs on or before **Wednesday, August 31,**
24 **2016**. Appellant, Frank Peck, requests an additional extension to file his Reply
25 Brief on or before **Friday, February 17, 2016**.
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CONCLUSION

In light of the foregoing, the parties hereby request that this Honorable Court grant an extension for Respondents, Dr. Barnum and Dr. Zipf to file their Answering Briefs on or before **Wednesday, August 31, 2016**. The parties further request that this Honorable Court grant an extension for Appellant, Frank Peck, requests an additional extension to file his Reply Brief on or before **Friday, February 17, 2016**.

HOLLEY DRIGGS WALCH FINE
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/s/ Rachel E. Donn

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ORDER

IT IS HEREBY ORDERED that the deadline for Respondents Dr. Zipf and Dr. Barnum to file their Answering Briefs is extended by an additional thirteen (13) days, thereby making all Answering Briefs due on or before **Wednesday, August 31, 2016.**

IT IS FURTHER ORDERED that deadline for Appellant's Reply Brief is extended to no later than **Friday, February 17, 2016.**

NEVADA SUPREME COURT JUSTICE

Respectfully submitted by:

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/s/ Brigitte E. Foley

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