ALVERSON, TAYLOR, MORTENSEN & SANDERS
DAVID J. MORTENSEN, ESQ.
Nevada Bar No. 002547
BRIGETTE E. FOLEY, ESQ.
Nevada Bar No. 012965
7401 West Charleston Boulevard
Las Vegas, NV 89117-1401
702-384-7000
702-385-7000 (fax)
E-File: efile@alversontaylor.com
Attorneys for RESPONDENT
Michael D. Barnum, M.D.

Electronically Filed
Aug 18 2016 11:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

IN THE SUPREME COURT OF THE STATE OF NEVADA

**

FRANK MILFORD PECK, Appellant, vs. VALLEY HOSPITAL MEDICAL CENTER; DAVID R. ZIPF, M.D.; AND MICHAEL D.BARNUM, M.D., Respondents	Supreme Court No. 68664 **AMENDED JOINT MOTION TO EXTEND BRIEFING DEADLINES**

COME NOW, APPELLANT, FRANK MILFORD PECK, by and through his counsel of record, Rachel E. Donn, Esq. and Andrea M. Gandara, Esq. of Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson; RESPONDENT, MICHAEL D. BARNUM, M.D., by and through his counsel of record, David J. Mortensen, Esq. and Brigette E. Foley, Esq. of Alverson, Taylor, Mortensen & Sanders; and RESPONDENT DAVID R. ZIPF, M.D., by and through his counsel of record, Dylan P. Todd, Esq. and Jill M. Chase, Esq. of McCormick Barstow, LLP, and hereby amend their Joint Motion to Extend the remaining briefing

Docket 68664 Document 2016-25702

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

deadlines on behalf of the above-referenced parties to correct the date for the requested deadline for Appellant to file his Reply Briefs.

Pursuant to NRCP 31(b)(3)(A)(i)-(v), the parties state the following in support of this Amended Motion:

1. Respondents, Dr. Barnum and Dr. Zipf's Answering Briefs are currently due on **Thursday, August 18, 2016**; and Appellant, Frank Peck's Reply Brief is currently due on **Monday, October 17, 2016**.

2. The parties previously filed a stipulation to extend the remaining briefing by thirty (30) days on June 28, 2016, which the Court granted. On August 2, 2016, the parties filed a second stipulation to extend the remaining briefing by an additional fourteen (14) days, which the Court has yet to rule on. Appellant filed his Opening Brief on June 2, 2016, thereby making Respondents' Answering Briefs initially due on Tuesday, July 5, 2016, and Appellant's Reply Brief due on Thursday, August 4, 2016.

3. None of the parties' previously-requested extensions have been denied.

4. Counsel for Respondent, Dr. Zipf, was unexpectedly required to be out of the country from August 14, 2016 until August 22, 2016, and was unable to assign completion of the Answering Brief to alternate counsel prior to his departure. Counsel for Dr. Barnum is working to assign completion of the Answering Brief to alternate counsel in her office, as she will likely be going on

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

maternity leave prior to the present deadline to submit the Answering Brief. Counsel for Appellant is agreeable to Respondents' request for an additional 13-day extension, and she has acknowledged that such an extension would not prejudice her or her client. Accordingly, good cause exists to grant the additional extension of the deadline for Dr. Barnum and Dr. Zipf's Answering Briefs to on or before **August 31, 2016**.

Appellant is also requesting an additional extension to file his Reply Brief to Dr. Barnum and Dr. Zipf's Answering Briefs, as counsel for Appellant is expected to go on maternity leave around the time of the present Reply Brief deadline, and she will not return to work until February 2017. Appellant's counsel is acting as pro bono counsel, and therefore, cannot assign another attorney to complete the briefing on this matter in her absence. In addition, counsel for Respondents, Dr. Barnum and Dr. Zipf have acknowledged that such an extension would not prejudice them or their clients. Accordingly, good cause exists to grant the additional extension of the deadline for Appellant, Frank Peck to file his Reply Brief(s) to Dr. Barnum and Dr. Zipf's Answering Briefs to on or before **Friday, February 17, 2017**.

5. Respondents, Dr. Barnum and Dr. Zipf hereby request an additional extension to file their Answering Briefs on or before **Wednesday, August 31, 2016**. Appellant, Frank Peck, requests an additional extension to file his Reply Brief on or before **Friday, February 17, 2017**.

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

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, 2017**.

HOLLEY DRIGGS WALCH FINE WRAY PUZEY & THOMPSON

/s/ Rachel E. Donn
Rachel E. Donn, Esq.
Nevada Bar No. 10568
Andrea M. Gandara, Esq.
Nevada Bar No. 12580
400 South Fourth Street, Third Floor
Las Vegas, NV 89101
Phone: (702) 791-0308
Attorneys for Appellant
Frank Milford Peck

ALVERSON, TAYLOR, MORTENSEN & SANDERS

/s/ Brigette E. Foley
David J. Mortensen, Esq.
Nevada Bar No. 002547
Brigette E. Foley, Esq.
Nevada Bar No. 012965
7401 West Charleston Boulevard
Las Vegas, NV 89117-1401
Phone: (702) 384-7000
Attorneys for Respondent
Michael D. Barnum, M.D.

McCORMICK BARSTOW, LLP

/s/ Dylan P. Todd
Dylan P. Todd, Esq.
Nevada Bar No. 10456
Jill M. Chase, Esq.
Nevada Bar No. 5250
8337 West Sunset Road, Suite 350
Las Vegas, NV 89113
Phone: (702) 949-1100
Attorneys for Respondent
David R. Zipf, M.D.

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

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, 2017.**

_____
NEVADA SUPREME COURT JUSTICE

Respectfully submitted by:

ALVERSON, TAYLOR, MORTENSEN & SANDERS

*/s/ Brigette E. Foley*_____
DAVID J. MORTENSEN, ESQ.
Nevada Bar No. 002547
BRIGETTE E. FOLEY, ESQ.
Nevada Bar No. 012965
7401 West Charleston Boulevard
Las Vegas, NV 89117-1401
Phone: 702-384-7000
Attorneys for RESPONDENT
Michael D. Barnum, M.D.

N:\david.grp\CLIENTS\22098\pleadings\Appeal\Amended Motion to Extend Briefing Deadlines (Third Request).docx