

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT H. CAPANNA, M.D.,

Appellant/Cross-Respondent,

vs.

BEAU R. ORTH,

Respondent/Cross-Appellant.

Electronically Filed
May 12 2016 02:20 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Case No. 69935
District Court Case No. A648041

**APPELLANT/CROSS-RESPONDENT'S MOTION TO ENLARGE TIME TO
FILE DOCKETING STATEMENT**

COME NOWS, Respondent/Cross-Appellant, Beau R. Orth, acting by and through his counsel, Dennis M. Prince, Esq. and Danielle Tarmu, Esq., of the law firm of Eglet Prince, and hereby moves the Court to enlarge the time to file his docketing statement mailed to counsel on March 24, 2016. Appellant/Cross-Respondent is filing his docketing statement concurrently with this motion as a separate filing.

I.

ARGUMENT

NRAP 31(b)(3)(B) provides that an extension of time, beyond which the parties are permitted to stipulate, will be granted upon a clear showing of good cause. Appellant/Cross-Respondent Capanna filed his initial Notice of Appeal on March 7, 2016, Supreme Court No. 69935. Respondent/Cross-Appellant Orth filed his Notice of Cross-Appeal on March 21, 2016, Supreme Court No. 69935. Appellant/Cross-

Respondent Capanna filed his Supplemental Notice of Appeal on April 18, 2016, Supreme Court No. 70227.

On April 22, 2016, this Court filed a Notice of Referral to Settlement Program and Suspension of Rules, Supreme Court No. 70227, indicating a “docketing statement must be filed and served within 20 days of the date of this notice.” In the midst of the various appeals filed by both parties, Respondent/Cross-Appellant Orth inadvertently believed the Notice of Referral to Settlement Program and Suspension of Rules in Supreme Court No. 70227 applied to the deadline for his docketing statement, making it due by May 12, 2016. Upon further review, Respondent/Cross-Appellant Orth discovered his docketing statement should have been filed in Supreme Court No. 69935 after receiving the docketing statement mailed to us by this Court on March 24, 2016. As Respondent/Cross-Appellant Orth’s docketing statement is now past due, counsel for Respondent/Cross-Appellant Orth apologizes for their oversight, and respectfully requests this Court accept the Docketing Statement filed concurrently herewith.

DATED this 12th day of May, 2016.

EGLT PRINCE

/s/ Dennis M. Prince
DENNIS M. PRINCE, ESQ.
Nevada Bar No.: 5092
DANIELLE TARMU, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 12th day of May, 2015. Electronic service of the foregoing **APPELLANT/CROSS-RESPONDENT'S MOTION TO ENLARGE TIME TO FILE DOCKETING STATEMENT** shall be made in accordance with the Master

Service List as follows:

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