

**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 13 2016 08:37 a.m.  
Tracie K. Lindeman  
Case No. 69935  
District Court Case No. CA18041  
Clerk of Supreme Court

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

Respondent/Cross-Appellant filed his Motion to Enlarge Time to File Docketing Statement on May 12, 2016. Respondent/Cross-Appellant inadvertently did not serve the settlement judge with a copy of said document, attached as **Exhibit "1."**

DATED this 12th day of May, 2016.

**EGLLET PRINCE**

/s/ Dennis M. Prince

DENNIS M. PRINCE, ESQ.

Nevada Bar No.: 5092

DANIELLE TARMU, ESQ.

Nevada Bar No.: 11727

400 South Seventh Street, Suite 400

Las Vegas, Nevada 89101

**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 **SUPPLEMENT TO RESPONDENT/CROSS-APPELLANT'S MOTION TO ENLARGE TIME TO FILE DOCKETING STATEMENT** shall be made in accordance with the Master Service List as follows:

Anthony D. Lauria, Esq.  
LAURIA, TOKUNAGA GATES& LINN, LLP  
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6005 Plumas Street, Suite 300  
Reno Nevada 89519  
[rle@lge.net](mailto:rle@lge.net)

Stephen Haberfeld (Settlement Judge)  
8224 Blackburn Avenue, #100  
Los Angeles, CA 90048  
(Via U.S. Mail)

/s/ Brittney Glover  
An Employee of Eglet Prince

# **EXHIBIT “1”**

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

ALBERT H. CAPANNA, M.D.,

Appellant/Cross-Respondent,

vs.

BEAU R. ORTH,

Respondent/Cross-Appellant.

Case No. 69935

District Court Case No. A64804

Electronically Filed

May 12 2016 02:20 p.m.

Tracie K. Lindeman

Clerk of Supreme Court

**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.

**EGLLET PRINCE**

/s/ Dennis M. Prince  
DENNIS M. PRINCE, ESQ.  
Nevada Bar No.: 5092  
DANIELLE TARMU, ESQ.  
Nevada Bar No.: 11727  
400 South Seventh Street, Suite 400  
Las Vegas, Nevada 89101

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/s/ Brittney Glover  
An Employee of Eglet Prince