

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  
Oct 05 2016 02:16 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
No. 69935

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ALBERT H. CAPANNA, M.D.,  
Appellant,  
vs.  
BEAU R. ORTH,  
Respondent.

No. 70227

**MOTION FOR EXTENSION OF TIME FOR OPENING BRIEF**

**(First Request)**

Appellant Albert H. Capanna, M.D., hereby moves for a 30-day extension of time for filing the opening brief and appellant's appendix. The brief is presently due for filing on October 6, 2016. Therefore, appellant requests an extension until November 7, 2016.

This is a relatively complex appeal (with a cross-appeal) in a medical malpractice lawsuit. The procedural background is unusual, and the legal issues include issues of first impression dealing with medical malpractice statutes. Appellant's counsel has prepared an appendix consisting of 23 volumes and nearly 5,400 pages, including the trial transcript. Appellant's counsel then spent several days reading the appendix.

The undersigned counsel has been working diligently on the opening brief, in addition to preparation of briefs in other cases. Counsel will not be able to complete the brief by the current deadline of October 6, 2016. And once a draft brief is finished, it will need to be reviewed by other individuals working on appellant's case.

Accordingly, appellant requests a 30-day extension until November 7, 2016, for the opening brief and the appendix. This request is being made in good faith, without the intent to delay this appeal unnecessarily.

DATED: Oct. 5, 2016

  
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**CERTIFICATE OF SERVICE**

I certify that I am employee of Lemons, Grundy & Eisenberg and that on this date the foregoing was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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DATED: 10/5/16

Uula Shapiro