

**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

Case No. 70227

District Court Case No. A648041

Electronically Filed  
Feb 09 2017 11:55 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**STIPULATION FOR EXTENSION OF TIME TO FILE RESPONSE TO  
APPELLANT/CROSS-REPODENT ALBERT H. CAPANNA, M.D'S  
MOTION TO STRIKE PORTIONS OF RESPONDENT'S APPENDIX AND  
PORTIONS OF RESPONDENT'S COMBINED ANSWERING BRIEF ON  
APPEAL AND OPENING BRIEF ON CROSS-APPEAL, REFERRING TO  
THE STRICKEN PORTIONS**

Respondent/Cross-Appellant BEAU R. ORTH ("Beau") and Appellant/Cross-Respondent ALBERT H. CAPANNA, M.D. ("Capanna"), hereby stipulate to extend the time for Beau to file his Response to Capanna's Motion to Strike Portions of Respondent's Appendix and Portions of Respondent's Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal, Referring to the Stricken Portions by fourteen (14) days up to and including February 27, 2016. The parties further stipulate to request this Court to postpone its ruling on Beau's pending Motion for Permission to Exceed Type-Volume Limitation for Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal until it issues a

ruling on Capanna's motion to strike. Beau has not sought any other prior extensions of time with respect to the underlying motion and this Court has not denied any requests for extensions of time to file any pleading. Beau's response to the motion is currently due on February 13, 2017.

Beau's undersigned counsel of record, Dennis M. Prince, has a reply brief regarding certified question of law in the matter of *Nalder v. United Automobile Insurance Company*, Case No. 70504, due to this Court on February 16, 2017. This short extension will ensure that Beau has sufficient time to evaluate the arguments contained within Capanna's motion to strike and to respond appropriately.

Therefore, Beau respectfully requests this Court grant the parties' stipulation and allow Beau a fourteen (14) day extension of time to file his response to Capanna's motion to strike, which will make the response due to be filed and served on February 27, 2016.

The parties further request this Court to postpone its ruling on Beau's pending motion for permission to exceed type-volume limitation until it issues a ruling on Capanna's motion to strike.

Dated this 9<sup>th</sup> day of February, 2017

**EGLT PRINCE**

/s/ Dennis M. Prince  
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Dated this 9<sup>th</sup> day of February, 2017

**LEMONS, GRUNDY & EISENBERG**

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