

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

2 MEI-GSR HOLDINGS, LLC, a Nevada
3 limited liability company, d/b/a GRAND
4 SIERRA RESORT,

5 Appellant,

6 vs.

7 PEPPERMILL CASINOS, INC., a Nevada
8 corporation, d/b/a/ PEPPERMILL
9 CASINO,

10 Respondent.

Supreme Court No. 70319

District Court Case no. CV13-
01704


Electronically Filed
May 01 2017 11:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

11 **MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF**
12 **(SECOND REQUEST)**

13 PEPPERMILL CASINOS, INC. ("Peppermill"), by and through its counsel
14 of Robison, Belaustegui, Sharp & Low, hereby moves this Court for an Order
15 extending the time within which to file its answering brief pursuant to NRAP
16 31(b)(3). This motion is made and based upon the attached memorandum of points
17 and authorities, and the pleadings and papers on file herein.

18 DATED this 1st day of May, 2017.

19 ROBISON, BELAUSTEGUI, SHARP &
20 LOW
21 A Professional Corporation
22 71 Washington Street
23 Reno, Nevada 89503

24 
25 KENT R. ROBISON
26 SCOTT L. HERNANDEZ
27 THERESE M. SHANKS
28 Attorneys for Respondent
 Peppermill Casinos, Inc., d/b/a Peppermill
 Casino

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Pursuant to NRAP 31(b)(2) and (3), a party may seek an extension of time to
3
4 file a brief before this Court. NRAP 26(b)(2) prohibits stipulation by extension if the
5 parties have previously stipulated to extend a deadline for the moving party. This
6 Court previously granted Peppermill a thirty-day extension pursuant to motion.

7
8 Peppermill now requests an additional seven day extension for the foregoing reasons:

9 **I. Date When Answering Brief is Due:** May 3, 2017.

10 **II. Number of Previous Extensions Granted by the Court:** The parties
11 previously stipulated to a thirty-day extension for Peppermill to file its answering
12 brief, but that stipulation was rendered moot by the subsequent order of this Court
13 denying GSR's request to exceed page and word limitation and ordering GSR to re-
14 file a compliant opening brief.
15

16 Peppermill then requested a thirty-day extension by motion, which was
17
18 granted by this Court.
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20 **III. Whether Any Prior Requests Were Denied:** No prior requests have been
21 denied by this Court.
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23 **IV. Basis for the Request:**

24 Peppermill seeks the current extension due to a family emergency. Counsel's
25 legal assistant's mother passed away over the weekend, and she is out of the office
26 for an unknown period of time. *See Exhibit 1* (Declaration of Jayne Ferretto in
27 Support of Motion to Extend Time to File Answering Brief). The two other
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1 assistants familiar with appellate filings are out of the office this week on vacation.
2 Adding salt to the wound, counsel's overflow assistant who could help finalize and
3 file the brief retired on Friday, April 28, 2017. *See Exhibit 2* (Declaration of Kent
4 Robison, Esq.). Peppermill has contacted opposing counsel and notified it that it
5 would be moving for a brief continuance. *See id.*; *see also Exhibit 3* (Kent Robison,
6 Esq.'s Email to Counsel). GSR's counsel has no objection to a brief continuance.
7
8 *Id.* Accordingly, Peppermill requests a brief extension while it obtains secretarial
9 help to ensure that the brief is properly filed in accordance with this Court's rules.
10
11

12 **V. Length of Extension and Proposed Date for New Answering Brief:**


13 Peppermill respectfully requests a 7-day extension in order to file the
14 Answering Brief. The proposed new date on which the Answering Brief would
15 become due would be May 10, 2017.
16

17 **VI. Conclusion**

18 For the foregoing reasons, Peppermill respectfully requests that this Motion
19 for an Extension of Time to File Answering Brief be granted.
20

21 DATED this 15th day of May, 2017.

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23 ROBISON, BELAUSTEGUI, SHARP &
24 LOW
25 A Professional Corporation
26 71 Washington Street
27 Reno, Nevada 89503

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KENT R. ROBISON
SCOTT L. HERNANDEZ
THERESE M. SHANKS
Attorneys for Respondent

Peppermill Casinos, Inc., d/b/a Peppermill
Casino

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true copy of the **MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF (SECOND REQUEST)** on all parties to this action by the method(s) indicated below:

☒ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

WILLIAM E. CROCKETT, ESQ.
Law Offices of William E. Crockett
21031 Ventura Boulevard, Suite 401
Woodland Hills, CA 91364
Email: wec@weclaw.com
Attorneys for Appellant

☒ by using the Court's CM/ECF Electronic Notification System addressed to:

H. STAN JOHNSON, ESQ.
Cohen Johnson Parker Edwards, LLC
255 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119
Email: sjohnson@cohenjohnson.com
Attorneys for Appellant

_____ by electronic email addressed to the above.
_____ by personal delivery/hand delivery addressed to:
_____ by facsimile (fax) addressed to:
_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 1st day of May, 2017.


JODI ALHASAN
Employee of Robison, Belaustegui, Sharp & Low

EXHIBIT 1

EXHIBIT 1

DECLARATION OF V. JAYNE FERRETTO IN SUPPORT OF
MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF
(Second Request)

V. JAYNE FERRETTO says under penalty of perjury that the following assertions are true and correct.

1. I am employed at the offices of Robison, Belaustegui, Sharp & Low as the Legal Assistant for attorney Kent R. Robison and Scott L. Hernandez and have been Mr. Robison's Legal Assistant since August of 1977.

2. I have done all of the secretarial work, typing and finalizing of all drafts of the Respondent's Answering Brief. The attorneys for whom I work are presently drafting the fact section, case statement, table of contents and table of authorities for the final Answering Brief. I have been assigned the task of final preparation of those components of the Respondents' final Answering Brief.

3. On the morning of Friday, April 28, 2017, my husband, Dave Ferretto, was contacted by his sister (Debbie Williams) living in Medford, Oregon, with the news that my husband's mother, Evelyn Young, had suffered a massive stroke, was taken by ambulance to a Medford, Oregon hospital and put on life support. We were then told that because of the massive stroke, Evelyn Young was not expected to survive and that the doctors were going to take her off the ventilator and other life support systems. We were then notified by family members that Evelyn Young, my mother-in-law passed away at 12:40 p.m. on Friday, April 28, 2017.

4. The attorneys for whom I work are now trying to find another legal assistant/secretary in the office who can fulfill and complete the duties and tasks that I was assigned that are necessary to complete the final draft of the Respondent's Answering Brief. Unfortunately, one of our full-time legal assistants/secretary retired effective Friday, April 28, 2017, and her replacement has not yet started working in our firm. We are extremely short-handed at this present time.

5. Due to this unexpected death in the family, it is necessary for me, with my husband (Dave Ferretto) to immediately travel to Medford, Oregon, to be with family members and assist with the family needs and care. It is unknown at what date/time we will return to the Reno/Sparks

1 area.

2 DATED this 28th day of April, 2017.

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6 V. JAYNE FERRETTO
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EXHIBIT 2

EXHIBIT 2

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EXHIBIT 3

EXHIBIT 3

Therese Shanks

From: jedwards@parkeredwardslaw.com
Sent: Monday, May 01, 2017 9:13 AM
To: Kent Robison; Stan Johnson (sjohnson@cjdlawgroup.com) (sjohnson@cjdlawgroup.com); cdavis@cohenjohnson.com
Cc: Therese Shanks; Scott Hernandez; Jim Stewart
Subject: RE: GSR/Peppermill brief

Kent,

We will stipulate. Best to your assistant and her family.

Jim

----- Original Message -----

Subject: GSR/Peppermill brief

From: Kent Robison <KRobison@rbsllaw.com>

Date: Mon, May 01, 2017 8:08 am

To: "Stan Johnson (sjohnson@cjdlawgroup.com) (sjohnson@cjdlawgroup.com)" <sjohnson@cjdlawgroup.com>, "jedwards@parkeredwardslaw.com" <jedwards@parkeredwardslaw.com>, "cdavis@cohenjohnson.com" <cdavis@cohenjohnson.com>

Cc: Therese Shanks <tshanks@rbsllaw.com>, Scott Hernandez <shernandez@rbsllaw.com>, Jim Stewart <JStewart@rbsllaw.com>

Gentlemen,

As we were finalizing (facts, table of authorities, table of contents and appendix) our brief last Friday, my secretary received notice that her mother-in-law had a severe stroke. The mother-in-law died Friday afternoon and my secretary and her husband (an only child) left for Medford, Oregon Friday afternoon. Two other of our secretaries familiar with Supreme Court briefs are on vacation this week. I will be asking for a 7-14 day extension today. I will provide you with my secretaries declaration within the hour. If you can stipulate to the extension, it will certainly expedite the process and I requested I will provide our drafts if it would assist. Thank you.

Kent Robison

Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
P - 775.329.3151