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Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

CARLOS A. HUERTA, AN  
INDIVIDUAL; AND GO GLOBAL,  
INC., A NEVADA CORPORATION,  
Appellants,

Case No.: 70492

Petitioner,

vs.

SIG ROGICH, A/K/A SIGMUND  
ROGICH, AS TRUSTEE OF THE  
ROGICH FAMILY IRREVOCABLE  
TRUS; AND ELDORADO HILLS,  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY,

Respondents.

**MOTION TO EXTEND TIME**

## **MOTION TO EXTEND TIME**

Pursuant to NRAP 40(a)(1), Appellants Carlos Huerta and Go Global, Inc. (collectively, the “**Appellants**”) hereby petition this Court to enlarge the time to allow the Appellants to file a Petition for Rehearing in response to this Court’s Order of Affirmance entered on June 29, 2017. In support of the instant motion, Appellants respectfully state as follows:

### **Preliminary Statement**

On June 29, 2017, this Court issued its Order of Affirmance (the “**Order**”) affirming the district court’s denial of Appellants’ motion for relief under NRCP 60(b). Neither the Appellants nor counsel for the Appellants, however, became aware of the Order until Friday, August 4, 2017, when this Court issued a remittitur to the Nevada Supreme Court.

As the instant appeal was initially filed in the Nevada Supreme Court, and this appeal did not get transferred to this Court until after all briefing had been completed, neither the Appellants nor their counsel received any notice, electronic or otherwise, of any happenings in this Court. In fact, after the transfer of the appeal to this Court on April 27, 2017, the Appellants were simply waiting to be notified of oral argument.

Unfortunately, when this Court issued its Order on June 29, 2017, neither the Appellants nor their counsel received the Order or any notice of the same,

1 electronic or otherwise. Importantly, it does not appear any notice of the Order  
2 was lodged on the Supreme Court's docket.

3 On August 4, 2017, counsel for the Appellants received an electronic  
4 notification of the issuance of the remittitur to the Nevada Supreme Court, and  
5 thereafter, retrieved a copy of the Order from this Court's website.

6 Pursuant to NRAP 40(a)(1), unless this Court enlarges the time,  
7 Appellants had 18 days from the entry of the Order, or until July 17, 2017, to  
8 file a petition for rehearing. As Appellants just became aware of the Order on  
9 August 4, 2017, Appellants respectfully request that this Court enlarge the time  
10 to file a petition for rehearing to August 9, 2017, less than one week after  
11 Appellants became aware of the Order.  
12

### 13 **Procedural Background**

14 On June 6, 2016, Appellants timely appealed the district court's denial of  
15 their motion for relief under NRCP 60(b). The appeal was docketed in the  
16 Nevada Supreme Court that same day, and assigned case number 70492.  
17

18 After multiple attempts of the respondents to dismiss the instant appeal,  
19 the Appellants filed their opening brief on January 6, 2017, respondents filed  
20 their answering briefs on February 21, 2017, and March 8, 2017, respectively,  
21 and on April 10, 2017, Appellants filed their omnibus reply brief.  
22  
23

1 After all briefing was completed, on April 27, 2017, the Nevada Supreme  
2 Court issued a Notice of Transfer to Court of Appeals.

3 While this Court entered its Order on June 29, 2017, the Order was not  
4 lodged on the docket in the Nevada Supreme Court. In fact, there are no entries  
5 on the Supreme Court's docket for the instant appeal between April 27, 2017,  
6 and August 4, 2017.

### 7 Legal Argument

#### 8 Legal Standards

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10 Unless the time is shortened or enlarged by order, a petition for rehearing  
11 may be filed within 18 days after the filing of the appellate court's decision  
12 under Rule 36. NRAP 40(a)(1). The filing of the court's decision or order  
13 constitutes entry of the judgment. The clerk shall file the judgment after  
14 receiving it from the court. If a judgment is rendered without an opinion, the  
15 clerk shall enter the judgment following the instruction from the court. On the  
16 date when judgment is entered, the clerk shall mail to all parties a copy of the  
17 opinion, if any, or of the order entering judgment, if no opinion was written.  
18 NRAP 36(a),(b).  
19

20 For good cause, the court may extend the time prescribed by these Rules  
21 or by its order to perform any act, or may permit an act to be done after that  
22 time expires. But the court may not extend time to file a notice of appeal except  
23

1 as provided in Rule 4(c). NRAP 26(b)(1)(A). An application for an order or  
2 other relief is made by motion unless these Rules prescribe another form. A  
3 motion must be in writing and state with particularity the grounds for the  
4 motion, the relief sought, and the legal argument necessary to support it. NRAP  
5 27(a)(1), (a)(2).

6 **Argument**

7  
8 The Appellants respectfully request the Court extend the time to submit  
9 its Petition for Rehearing under NRAP 40, because Appellants received no  
10 notice of the Court's Order until Friday, August 4, 2017.

11 Appellants were registered to receive electronic notices from the Nevada  
12 Supreme Court for the instant appeal, and mistakenly believed they would  
13 receive electronic notices for this Court when the instant appeal was transferred  
14 to this Court.

15  
16 Unfortunately, the Appellants never received any notice of this Court's  
17 Order dated June 29, 2017, and had to retrieve the same when the remittitur was  
18 issued to the Nevada Supreme Court on August 4, 2017.

19 Accordingly, in this appeal, on these facts, the Appellants submit that  
20 cause exists to extend the time to file a petition for rehearing. Concurrently  
21 with the filing of this Motion, the Appellants submit their Petition for  
22  
23

1 Rehearing, and respectfully request that the time to file their Petition for  
2 Rehearing be extended to August 9, 2017.

3 Dated this 9th day of August, 2017.

4 SCHWARTZ FLANSBURG PLLC

5  
6 By: /s/ Samuel A. Schwartz  
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14 Attorneys for Petitioners or  
15 Appellants  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION TO EXTEND TIME** was filed electronically with the Nevada Court of Appeals on the 9th day of August, 2017. I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Lori Kennedy

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