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IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS KOGOD,
Appellant,

Case No. 71147
71994

vs.

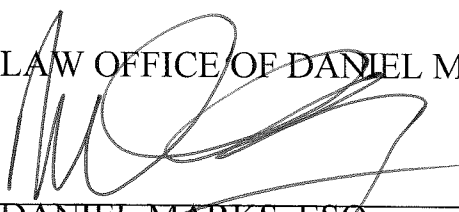
GABRIELLE CIOFFI-KOGOD,
Respondent.

**OPPOSITION TO MOTION FOR EXTENSION OF TIME TO FILE THE
ANSWERING BRIEF AND OPENING BRIEF ON CROSS-APPEAL; AND
COUNTERMOTION FOR SANCTIONS**

COMES NOW the Appellant DENNIS KOGOD, by and through his
counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of
Daniel Marks, and submits his Opposition to Motion for Extension of Time to File
the Answering Brief and Opening Brief on Cross-Appeal; and Countermotion for
Sanctions. The grounds for Appellant's opposition and countermotion are set forth
in the following memorandum of points and authorities.

DATED this 9 day of August, 2017.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3 On April 7, 2017, Appellant Dennis Kogod (hereinafter “Dennis”) filed his
4 Opening Brief in this appeal. (*See* Docket 71147, Document 2017-11681.) On
5 May 5, 2017, this Court approved the parties’ stipulation to extend Respondent
6 Gabrielle Cioffi-Kogod’s (hereinafter “Gabrielle”) Answering/Opening Brief for
7 30 days. (*See* Document 17-14952.) Based on that stipulation, Gabrielle’s brief
8 was due on June 7, 2017. Then, on June 6, 2017, Gabrielle filed a motion with this
9 Court seeking a 60 day extension to file her brief and appendix in this action. This
10 Court granted that motion on June 28, 2017, and ordered that Gabrielle’s
11 answering brief on appeal and opening brief on cross- appeal was due on August
12 7, 2017. In that order, this Court specifically stated, “No further extensions of time
13 shall be permitted absent demonstration of extraordinary circumstances and
14 extreme need.” The court also stated, “Failure to timely file the combined brief
15 may result in the imposition of sanctions. NRAP 31(d).”

16 **II. LEGAL ARGUMENT**

17 Requests for extensions for time may be made by motion pursuant to NRAP
18 31 and NRAP 27. NRAP 31(b)(2) & (3). Such a request must include the
19 following:

- 20 (i) The date when the brief is due;
21 (ii) The number of extensions of time previously
22 granted . . . , and if extensions were granted, the
23 original date when the brief was due;
24 (iii) Whether any previous requests for extensions of
25 time have been denied or denied in part;
26 (iv) The reasons or grounds why an extension is
27 necessary; and
28 (v) The length of the extension requested and the date
 on which the brief would become due.

NRAP 31(b)(3)(A).

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1 Additionally, motions to extend time beyond the 30 days permitted for
2 parties to stipulate are not favored and will only be granted “upon a clear showing
3 of good cause.” NRAP 31(b)(3)(B).

4 In this case, Gabrielle has already received a 60 day extension beyond the
5 30 days that the parties stipulated. This Court should deny Gabrielle’s request for
6 a one week extension because she fails to demonstrate any extraordinary
7 circumstances or extreme need for a one week extension. Instead, she relies on the
8 same facts that she relied upon when she sought the 60 day extension. When she
9 sought a 60 day extension, Gabrielle stated that she needed the extension because
10 the decision at issue was 114 pages long and it was a four- day trial. She cannot
11 rely on the same facts for this request as she did for her previous request. If that
12 were the case, then this Court would not have ordered that an additional extension
13 would require a demonstration of extraordinary circumstances and extreme need.
14 Instead of setting forth those types of facts in support of the instant motion,
15 Gabrielle simply regurgitates the same argument that she previously made to this
16 Court. She does not claim to have run into any technological issues with filing her
17 brief on time, and she does not claim to have run into any issues with court
18 reporters or the transmission of the record.

19 This Court should sanction Gabrielle for failing to timely file her combined
20 brief without being able to demonstrate to this Court extraordinary circumstances
21 and extreme need. The fact that she failed to set forth such facts shows that she is
22 not seeking an extension in good faith and only intends to delay this appeal.

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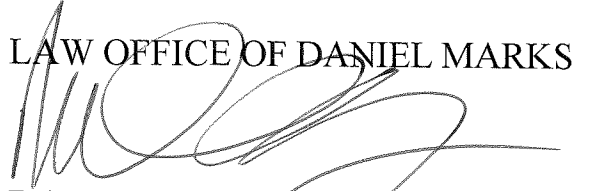
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1 **III. CONCLUSION**

2 Because Gabrielle has failed to make any demonstration of extraordinary
3 circumstances and extreme need, this Court should deny her request for a one (1)
4 week extension, order Gabrielle to immediately file her brief, and sanction
5 Gabrielle for failure to file the combined brief in a timely manner in accordance
6 with this Court's order that was filed on June 28, 2017.

7 DATED this 9 day of August, 2017.

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