

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

2 DENNIS KOGOD,

3 Appellant/Cross-Respondent,

4 v.

5 GABRIELLE CIOFFI-KOGOD,

6 Respondent/Cross-Appellant.

Supreme Court No. 71147
Electronically Filed
Jan 16 2018 03:30 p.m.
District Court Case No. D-18-48943-D
Elizabeth A. Brown
Clerk of Supreme Court

7 **MOTION FOR EXTENSION OF TIME TO FILE**
8 **THE REPLY BRIEF TO ANSWERING BRIEF ON CROSS-APPEAL**

9 Respondent/Cross-Appellant, GABRIELLE CIOFFI-KOGOD (“Gabrielle”) hereby
10 moves for a thirty (30) day extension of time from the date of filing this Motion under
11 NRAP 26 for filing the Reply Brief to Answering Brief on Cross-Appeal (“Reply Brief”)
12 to the Appellant/Cross-Respondent’s Reply Brief on Appeal and Answering Brief on
13 Cross-Appeal. The Reply Brief was due by December 29, 2017. With a thirty (30) day
14 extension from the date of filing this Motion, the Reply Brief will be due by February 15,
15 2018. This is the first request for extension for the Reply Brief.

16 NRAP 31(b)(3) states in relevant part as follows:

17 **(3) Motions for Extensions of Time.** A motion for extension of time for
18 filing a brief may be made no later than the due date for the brief and must
19 comply with the provisions of this Rule and Rule 27.

20 **(A) Contents of Motion.** A motion for extension of time for
21 filing a brief shall include the following:

22 (i) The date when the brief is due;

1 (ii) The number of extensions of time previously granted (including
2 a 5-day telephonic extension), and if extensions were granted, the original
3 date when the brief was due;

4 (iii) Whether any previous requests for extensions of time have
5 been denied or denied in part;

6 (iv) The reasons or grounds why an extension is necessary; and

7 (v) The length of the extension requested and the date on which the
8 brief would become due.

9 **(B) Motions in All Appeals Except Child Custody, Visitation, or**
10 **Capital Cases.** Applications for extensions of time beyond that to which
11 the parties are permitted to stipulate under Rule 31(b)(2) are not favored.
12 The court will grant an initial motion for extension of time for filing a brief
13 only upon a clear showing of good cause. The court shall not grant
14 additional extensions of time except upon a showing of extraordinary
15 circumstances and extreme need.

16 On August 23, 2017, Gabrielle filed her Amended Answering Brief and Amended
17 Opening Brief on Cross-Appeal. Dennis' Reply was due by September 23, 2017. On
18 September 6, the parties stipulated to extend Dennis' combined Reply and Answering
19 Brief by 30 days, making it due by October 23. On October 9, Dennis filed a Motion with
20 this Court seeking a 53-day extension to file his Reply and Answering Brief on Cross-
21 Appeal, making it due by December 15. Dennis essentially received **83 days** to file his
22 Reply brief.

23 On December 15, Dennis filed his Reply brief that is 72 pages long. After Dennis'
24 brief was filed, due to the Christmas and New Year's holidays, Gabrielle's counsel was
25 unable to file the brief by the deadline. Gabrielle's counsel has been working diligently
26 on the Reply brief and it is near completion. The Reply requires extensive research and
27 review of the lengthy transcripts from the proceedings that lasted for four (4) full days.
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1 Indeed, the Order that is being appealed by both parties is itself 114 pages long due to the
2 numerous issues that were litigated and ruled and due to the several years of evidence that
3 was presented by the parties in support of each of their positions. The Trial also included
4 testimony from numerous witnesses and experts, including the submission of various
5 deposition transcripts into evidence. This case was highly contentious and involved
6 considerable research, numerous motions and multiple judgments from those motions that
7 caused the district court to enter the Order that is being appealed. The issues raised on
8 cross-appeal are primarily legal issues as applied to the facts of this case. While the
9 attorneys for the Respondent are diligently working on the Answering Brief, due to the
10 complexity of this case, the time it has taken to go through the research on some very
11 complex law involving alimony, unequal division of assets and fees as set forth above,
12 and the time it has taken to review and identify the relevant portions of the trial
13 transcripts, Respondent seeks an additional 30 days from the date of filing this Motion to
14 allow her time to file her Reply Brief. This motion is being submitted in good faith, and
15 without the intent to cause undue delay in the appeal.
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22 Dated this 16th day of January 2018.

23 RADFORD J. SMITH, CHARTERED

24 
RADFORD J. SMITH, ESQ.

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CERTIFICATE OF SERVICE

I certify that on the 16th day of January 2018, I served a copy of this Motion for Extension of to file the Reply Brief upon all counsel of record by mailing it by first class mail with sufficient postage prepaid to the following address:

Daniel Marks, Esq.
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas NV 89101
Attorney for Dennis Kogod



An Employee of Radford J. Smith, Chartered