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Elizabeth A. Brown
Clerk of Supreme Court

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

10 MARIO LABARBERA, an individual,

11 Appellant

12 v.

13 WYNN LAS VEGAS, LLC., D/B/A WYNN
LAS VEGAS, a Nevada LLC,

14 Respondents.

SUPREME COURT NO. 71276

District Court Cause No. A695025

**APPELLANT'S (UNOPPOSED) MOTION
TO CONTINUE DEADLINE FOR
OPENING BRIEF**

(Second Extension)

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16 Pursuant to NRAP 31(b), Appellant MARIO LABARBERA ("LABARBERA") hereby
17 seeks an additional extension of thirty (30) days to file his Opening Brief in this appeal. The
18 Court previously granted a twenty day extension under its Order to File Opening Brief and
19 Appendix entered February 13, 2017, and Appellant's Opening Brief is now due March 3, 2017.
20 Appellant respectfully requests the deadline for filing his Opening Brief be extended thirty days
21 for good cause, as set forth below.

22 Appellant and his Italian counsel are residents of Italy and communication and review of
23 documents with them is always delayed due to geographic and time zone differences. In fact,
24 Appellant resides in Sicily while his Italian counsel resides in Rome. Appellant also does not
25 speak English whatsoever and thus all work must be coordinated through his Italian counsel in
26 Rome (who speaks and writes English). Briefing and ordering of the Transcript were delayed to
27 reduce costs and facilitate a settlement conference which was conducted in good faith but was
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1 unsuccessful. Appellant experienced a delay in receipt of the Transcript which was received
2 from the Court Reporter on December 30, 2016. Counsel for Appellant has long standing plans
3 to be out of town during the first ten days of March, 2017, for his 35th wedding anniversary,
4 which will conflict with the timing and preparation of Appellant's Opening Brief. Appellant
5 therefore respectfully requests a 30 day extension from March 3, 2017 to April 3, 2017. Counsel
6 for Appellant has consulted with counsel for Respondent, and he has stated he has no opposition
7 to this Motion.

8 In light of as much, Appellant respectfully submits that "good cause" supports continuing
9 the deadline by an additional thirty days. NRAP 26(b) allows the Court "... for good cause
10 shown may upon motion enlarge the time prescribed by these rules for doing any act, or may
11 permit an act to be done after the expiration of such time." If this request is granted, the new
12 deadline for LaBarbera's Opening Brief will be April 3, 2017.

13 Dated this 21st day of February, 2016.

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16 JEFFREY R. ALBREGTS, ESQ.,
17 NSB# 0066
18 *Attorney for Appellant*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 22 day February, 201, pursuant to NEFCR 9, NRCR 5(b), and EDCR 7.26, I served by way of Notice of Electronic Filing provided by the court mandated E-File and Serve system, a true and correct copy of the foregoing **Appellant's (Unopposed) Motion To Continue Deadline for Opening Brief** to all parties of record.


An employee of Jeffrey R. Albregts, Esq.