

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

2  
3                   EMILIA GARCIA,

4                                   Appellant,

5                   vs.

6                   ANDREA AWERBACH,

7                                   Respondent.  
8

Electronically Filed  
Dec 06 2019 03:39 p.m.  
Case No. 71348  
Elizabeth A. Brown  
Clerk of Supreme Court

9  
10                                   **MOTION FOR CONTINUANCE OF ORAL ARGUMENT**

11                   Appellant Emilia Garcia requests a brief continuance of oral argument in this  
12 case, which has been set by this Court for December 12, 2019, at 11:30 am. This is  
13 the first such request.

14                   Undersigned counsel in this case, Lee Roberts, will be arguing in this appeal  
15 on behalf of Appellant Garcia. Mr. Roberts started *voir dire* on December 2 in a jury  
16 trial before the Honorable Joanna Kishner, Department 31 of the Eighth Judicial  
17 District, styled *Brown v. GNL, Corp. and ThyssenKrupp Elevator Corp.*, Case No. A-  
18 16-739887-C. Trial is scheduled daily through December 20, 2019.

19                   At the commencement of trial, Mr. Roberts informed the trial court of this  
20 Nevada Supreme Court oral argument and requested that the jury trial be dark the  
21 morning of December 12, 2019. Judge Kishner was happy to accommodate this  
22 request, and trial is not currently scheduled for the morning of December 12, 2019.

23                   Unfortunately, there were unanticipated delays in jury selection in Case No. A-  
24 16-739887-C. Opening statements were scheduled for Tuesday, December 3, 2019,  
25 but were delayed until today, Friday, December 6, 2019. We know we will lose one  
26 juror on December 20 due to pre-paid travel and only have two alternates seated.  
27 Trial counsels for all parties are now becoming concerned that if trial is delayed into  
28 Christmas week we will lose too many jurors to deliberate – potentially resulting in a

1 mistrial. Accordingly, I have agreed to ask this Court for a continuance of my oral  
2 argument in order to prevent further delays in the jury trial.

3 Counsel for Respondent, Joel Henriod and Dan Polsenberg, have authorized  
4 me to inform this Court that they do not oppose this request. The undersigned  
5 counsel recognizes that proceedings in this Court take priority over District Court  
6 proceedings, and if a continuance would inconvenience or disrupt the Nevada  
7 Supreme Court in any way we are ready to proceed with oral argument as scheduled.

8 DATED this 6<sup>th</sup> day of December, 2019.

9  
10 /s/ D. Lee Roberts, Jr.  
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25 *Appellant Emilia Garcia*  
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## CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2019, a true and correct copy of the foregoing MOTION FOR CONTINUANCE OF ORAL ARGUMENT was electronically filed and served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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