

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

2           LUIS HIDALGO, JR.,

3                   Appellant,

4           vs.

5                   THE STATE OF NEVADA,  
6                   Respondent.

Electronically Filed  
Jun 21 2017 10:48 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Case No. 71458

7                   **MOTION FOR EXTENSION TO FILE APPELLANT'S OPENING**  
8                   **BRIEF AND APPENDIX [SECOND REQUEST]**

9           Appellant LUIS HIDALGO, JR., hereby respectfully request sixty (60)  
10           days, until August 22, 2017, to file his Opening Brief and Appendix.  
11           Appellant's Opening Brief and Appendix, which is currently due on June 23,  
12           2017. This is Appellant's second request for an extension in this matter. This  
13           motion is based on the following memorandum and all papers and pleadings  
14           on file herein. Steven Owens, counsel for Respondent, has indicated  
15           Respondent has indicated the State will not stipulate to this second request for  
16           an extension of time.  
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18           Respectfully submitted this 21<sup>st</sup> day of June, 2017.

19                   /s/ Margaret A. McLetchie

20                   MARGARET A. MCLETCHE, Nevada Bar No. 10931

21                   **MCLETCHE SHELL LLC**

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1 **MEMORANDUM**

2 I, Margaret A. McLetchie, am an attorney of record in the above-  
3 captioned case.

4 This Court may “[f]or good cause” extend the time “prescribed by the  
5 [Nev. R. App. P.] or by its order to perform any act, or may permit an act to  
6 be done after that time expires.” NRAP 26(b)(1)(A). Here, there is “good  
7 cause” because the undersigned counsel and her firm have conflicting  
8 deadlines in several other matters.  
9

10 For example, counsel for Mr. Hidalgo is counsel of record in *Walker, et*  
11 *al. v. City of North Las Vegas, et al.*, U.S. Dist. Ct. Case No. 2:14-cv-01475-  
12 JAD-NJK, a § 1983 civil rights suit. Discovery in the *Walker* matter closed on  
13 June 15, 2017. Prior to the close of discovery, counsel conducted four  
14 depositions, including three depositions pursuant to Fed. R. Civ. P. 30(b)(6)  
15 on May 23, 24, and 25, 2017. Counsel also conducted a deposition of the  
16 defendants’ expert witness on June 8, 2017. Preparing for those depositions  
17 required the review of a substantial number of documents, prior deposition  
18 transcripts, and legal research.  
19

20 Counsel for Mr. Hidalgo is also counsel of record for defendants in  
21 *Abrams, et al. v. Schneider, et al.*, Eighth Judicial District Court Case No. A-  
22 17-749318-C. In that matter, counsel had a reply to Plaintiffs’ opposition to a  
23 motion to dismiss and special motion to dismiss pursuant to Nev. Rev. Stat. §  
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1 41.660, Nevada's anti-SLAPP statute, due on May 30, 2017. Counsel  
2 subsequently had a hearing in that matter on June 5, 2017. Given the  
3 complexity of anti-SLAPP law, and the number and complexity of the causes  
4 of action in the matter, counsel was required to dedicate substantial time to  
5 drafting and filing the reply, and to preparing for the hearing on the motions.  
6 Counsel also had a response to a motion to dismiss due in *Kolesar v. The*  
7 *Alexander Dawson School at Rainbow Mountain, LLC*, Eighth Judicial  
8 District Court Case No. A-16-745436-C due on June 14, 2017.

12 Counsel also has several other matters which conflict with the current  
13 briefing schedule in this matter. For example, counsel has a mediation  
14 scheduled in *Pope v. TA Operating LLC, d/b/a Travel Centers of America, et*  
15 *al.*, Eighth Judicial District Court Case No. A-17-749186-C, for June 22,  
16 2017. Counsel and her law partner also have a reply brief due in *Martin v.*  
17 *State of Nevada, et al.*, Nev. S. Ct. Case No. 71806, due on June 30, 2017, and  
18 an opening brief in *Smalley v. State of Nevada*, Nev. S. Ct. Case No. 71701,  
19 due on July 7, 2017.<sup>1</sup>

23 Finally, and most importantly, counsel needs additional time to  
24 coordinate with Mr. Hidalgo prior to the filing of the opening brief, and needs  
25 to have an in-person meeting. Mr. Hidalgo is currently in the custody of the  
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28 <sup>1</sup> Counsel and her law partner are the only attorneys in their firm, and work together on most matters.

1 Nevada Department of Corrections serving a life sentence, and is incarcerated  
2 in the Northern Nevada Correctional Center in Carson City, Nevada.  
3 Undersigned counsel resides in Las Vegas. Counsel has scheduled a visit with  
4 Mr. Hidalgo for July 7, 2017.  
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6 The Opening Brief and Appendix are currently due June 23, 2017. An  
7 extension is necessary in this case for the aforementioned circumstances and  
8 to ensure proper briefing. Appellant thus respectfully requests an extension of  
9 60 days for the Opening Brief and Appendix, which would move that deadline  
10 from June 23, 2017 to August 22, 2017.  
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13 The undersigned's law partner contacted Steven Owens, counsel for  
14 Respondent on June 14 and June 16, 2017 regarding this request for an  
15 additional extension of time. On June 16, 2017 Mr. Owens indicated  
16 Respondent would not agree to the additional extension of time because  
17 Respondent had agreed to the prior request for an extension of time filed with  
18 this Court on March 27, 2017.  
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21 This extension is sought in good faith and not for the purpose of delay.  
22 This request is made in the interests of effectively representing the interests of  
23 Mr. Hidalgo, and adequately and concisely briefing the multiple issues in the  
24 appeal. Again, most importantly, counsel needs to have a face-to-face meeting  
25 with Mr. Hidalgo. Given the complexity of Mr. Hidalgo's case, the severity of  
26 his sentence, and the need to visit Mr. Hidalgo, counsel requires additional  
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1 time to accomplish these goals.

2 The undersigned declares under penalty of perjury the factual  
3 representations set forth in the foregoing memorandum are true and correct.  
4

5 Respectfully submitted this 21<sup>st</sup> day of June, 2017.

6 /s/ Margaret A. McLetchie  
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STEVEN OWENS  
Office of the District Attorney  
200 Lewis Avenue, Third Floor  
Las Vegas, NV 89155

I hereby further certify that the foregoing MOTION FOR EXTENSION TO FILE APPELLANT’S OPENING BRIEF AND APPENDIX [SECOND REQUEST] was served by first class U.S. mail on June 21, 2017 to the following:

/s/ Pharan Burchfield  
Employee, McLetchie Shell LLC