

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

2
3
4 Electronically Filed
5 Aug 22 2017 02:52 p.m.
6 Elizabeth A. Brown
7 Clerk of Supreme Court

8 **Case No.: 71467**

9 District Court Case No. CV15-00497

10 NEVADA RECYCLING AND
11 SALVAGE, LTD.; a Nevada Limited
12 Liability Company; AMCB, LLC, a
13 Nevada Limited Liability Company
14 d/b/a RUBBISH RUNNERS,

15 Appellants,

16 vs.

17 RENO DISPOSAL COMPANY,
18 INC.; a Nevada corporation d/b/a
19 Waste Management; REFUSE, INC.; a
20 Nevada corporation; and WASTE
21 MANAGEMENT OF NEVADA,
22 INC., a Nevada corporation,

23 Respondents

24 **RESPONDENTS' MOTION TO EXTEND TIME**
25 **TO FILE ANSWERING BRIEF**
26 **(SECOND REQUEST)**

27 Respondents Reno Disposal Company, Inc. ("Reno Disposal"), Refuse, Inc.
28 ("Refuse") and Waste Management of Nevada, Inc. ("WM"), by and through their
 undersigned counsel, move this Court for an extension of time to file their
 Answering Brief. This motion is made pursuant to NRAP 31(b)(3), and is based

1 upon the attached memorandum of points and authorities.

2 Dated this 22nd day of August, 2017.

3
4 ROBISON, SIMONS, SHARP & BRUST
A Professional Corporation
5 71 Washington Street
6 Reno, Nevada 89503

7 BY: 

8 Mark G. Simons, Esq.
9 Nevada Bar No. 5132
10 Robinson, Simons, Sharp & Brust
11 71 Washington Street
12 Reno Nevada 89503
13 (775) 329-3151
14 *Attorneys for Respondents*

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 Pursuant to NRAP 31(b)(3) a party may petition this Court for an extension
17 of time to file a brief. Accordingly, Respondents request that this Court grant their
18 motion for an extension of an additional fourteen (14) days in which to file their
19 Answering Brief.

20 **I. DATE WHEN ANSWERING BRIEF IS DUE:**

21
22 Respondents' Answering Brief was originally due on July 24, 2017. The
23 Answering Brief is currently due on August 23, 2017.

24
25 **II. NUMBER OF PREVIOUS EXTENSIONS GRANTED BY THE**
26 **COURT:**

27 One previous thirty (30) day extension of time for Respondents to file their
28 Answering Brief was granted by this Court.

1 **III. WHETHER ANY PRIOR REQUESTS WERE DENIED:**

2 No prior requests have been sought or denied by this Court. In addition,
3 Appellants' counsel has agreed to the fourteen (14) day extension requested by
4 Respondents. See Exhibit 1 (email communication between counsel agreeing to
5 the fourteen day extension).
6

7 **IV. BASIS FOR REQUEST:**

8
9 Respondents request this extension due to the constraints of their counsel's
10 calendar. Counsel Mark G. Simons, Esq. was required to analyze, research, draft,
11 edit and argue five (5) motions for summary judgment and five (5) motions in
12 limine and participate in two (2) oral arguments in the previous thirty (30) days in
13 an action pending before Judge Elizabeth Gonzales, which action is set to go to
14 trial on September 25, 2017. See Case No. A-15-715918-B.¹ The briefing alone
15 exceeded 250 pages of written product. In addition, Therese M. Shanks, Esq., the
16 associate tasked with assisting Mr. Simons in the underlying action and this appeal,
17 remains on maternity leave and plans on returning part-time on August 28, 2017.
18
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22 Respondents' undersigned counsel has commenced diligently analyzing and
23 drafting the Answering Brief, however, given the present time constraints, counsel
24 will not be able to have a completed brief ready to file by August 23, 2017.
25
26
27
28

¹ Fierle v. Perez, 219 P.3d 906, 912 (Nev. 2009) ("we may take judicial notice of court filings and other matters of public record").

1 Accordingly, Respondents are requesting a short extension of time in which to file
2 their Answering Brief.

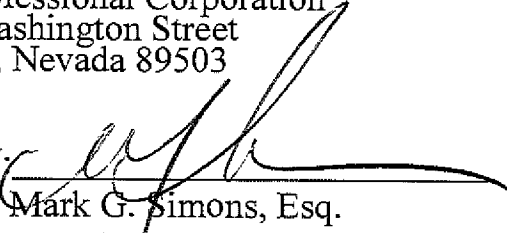
3
4 **V. REQUESTED EXTENSION AND DUE DATE:**

5 Respondents respectfully request that this Court grant them a fourteen (14)
6 day extension of time in which to file their answering brief. The proposed new due
7 date for the Answering Brief would be September 6, 2017.
8

9 **VI. CONCLUSION:**

10 For the foregoing reasons, Respondents respectfully request that this Court
11 grant their motion for a fourteen (14) day extension in which to file their
12 Answering Brief to and including September 6, 2017. Concurrently, Respondents
13 are agreeable to a commensurate extension of the Appellants' time to file their
14 Reply Brief.
15
16

17
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20 71 Washington Street
21 Reno, Nevada 89503

22 BY: 
23 Mark G. Simons, Esq.
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28 (775) 329-3151
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify pursuant to NRAP 25(c), that on the ____ day of August, 2017, I caused service of a true and correct copy of the above and foregoing **RESPONDENTS' MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF (SECOND REQUEST)** on all parties to this action by the method(s) indicated below:

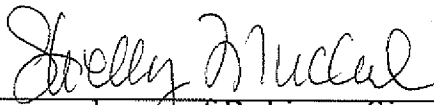
X by using the Supreme Court Electronic Filing System:

Del Hardy, Esq.
WINTER STREET LAW GROUP
Attorneys for Appellants

____ by personal delivery/hand delivery addressed to:

Del Hardy, Esq.
Stephanie Rice, Esq.
Richard Salvatore, Esq.
WINTER STREET LAW GROUP
96 Winter Street
Reno, Nevada 89503
Attorneys for Appellants

DATED this 22nd day of August, 2017.



An employee of Robison, Simons, Sharp & Brust

EXHIBIT 1

EXHIBIT 1

Mark Simons

From: Richard Salvatore <rich@winterstreetlawgroup.com>
Sent: Wednesday, August 16, 2017 1:47 PM
To: Mark Simons
Subject: Re: Out of the Office Re: Extension on Answering Brief
Attachments: PastedGraphic-4.tiff; PastedGraphic-1.tiff; PastedGraphic-3.tiff

A 14 day extension is fine. However, since you need 14 days, this pushes the reply to a bad time, and we will need a 14 day extension. Please forward a draft stipulation.



WINTERSTREET
LAW GROUP

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On Aug 15, 2017, at 1:33 PM, Mark Simons <MSimons@rssblaw.com> wrote:

Due next Wednesday. Asking for 14 day extension.

Mark

From: Richard Salvatore [<mailto:rich@winterstreetlawgroup.com>]
Sent: Tuesday, August 15, 2017 11:56 AM
To: Mark Simons
Subject: Re: Out of the Office Re: Extension on Answering Brief

When is it due, and how much time do you want. It is my understanding that you are seeking a second extension. Please advise.

<image001.png><image002.png><image003.png>

Richard A. Salvatore, Esq.
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On Aug 15, 2017, at 11:43 AM, Mark Simons <MSimons@rssblaw.com> wrote:

Richard.

See below.

Can you advise as to my request for a brief extension.

Thanks

Mark

From: Stephanie Rice [<mailto:stephanie@winterstreetlawgroup.com>]

Sent: Tuesday, August 15, 2017 11:41 AM

To: Mark Simons

Subject: Out of the Office Re: Extension on Answering Brief

Please be advised that I will be out of town in trial through August 18, 2017. As such I am out of the office with limited to no email access until August 21, 2017. Should you need assistance prior to my return, please contact Richard Salvatore, Esq. at (775) 786-5800 or Rich@WinterStreetLawGroup.com. If this is an administrative or scheduling matter you may contact my Legal Assistant, Jenifer at (775) 786-5800 or Jenifer@WinterStreetLawGroup.com.

--

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