

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

IN THE MATTER OF: THE W.N.  
CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST, DATED  
MAY 18, 1972,

JACQUELINE M. MONTOYA; AND  
KATHRYN A. BOUVIER,

Appellants,

vs.

ELEANOR C. AHERN A/K/A  
ELEANOR CONNELL HARTMAN  
AHERN,

Respondent.

No 71577

District Court Case No.  
P-09-066425-T

Appeal from the Eighth Judicial  
District Court, The Honorable  
Gloria Sturman Presiding

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Oct 02 2017 01:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR AN ORDER ALLOWING  
APPELLANTS ADDITIONAL TIME TO FILE REPLY BRIEF**

Appellants, Jacqueline M. Montoya and Kathryn A. Bouvier (“Appellants”),  
hereby move this Honorable Court for an order continuing the filing deadline for  
their reply brief from October 3, 2017 to October 24, 2017. This motion is supported  
by the memorandum of points and authorities found herein below.

Dated this 2<sup>nd</sup> day of October 2017.

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## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. Background**

1. Respondent filed her Answering Brief on August 4, 2017.
2. On August 15, 2017, Marquis Aurbach Coffing (“MAC”) filed its Motion for Leave to File an Amicus Brief (the “Amicus Motion”), which attached its proposed Amicus Curiae Brief in Support of Respondent’s Answering Brief (the “Amicus Brief”).
3. On August 28, 2017, the Appellants filed a stipulation by and between the Appellants and Respondence under which the deadline for the Appellants to file their reply brief was extended from September 5, to September 19<sup>th</sup>. The Court approved the parties’ stipulation the same day it was filed.
4. On August 29, 2017, the Court granted MAC’s Amicus Motion and ordered the Amicus Brief to be filed by the Clerk of the Court.
5. On September 5, 2017, Appellants filed their Motion for an Order Allowing Appellants to Respond to Marquis Aurbach Coffing’s Amicus Curiae Brief in Support of Respondent's Answering Brief (the “Motion for Response”).
6. On September 11, 2017, the Court issued an order granting the Motion for Response which instructed the Appellants to respond to the Amicus Brief as part of their reply brief. This order also extended the Appellants’ deadline to file the reply brief from September 19<sup>th</sup> to October 3<sup>rd</sup>.

7. On October 1, 2017, Joseph J. Powell, lead counsel for the Appellants, sustained a gunshot wound<sup>1</sup> at the country musical festival where an armed gunman attacked hundreds of concert goers.

## **II. Argument**

NRAP 26(b)(1)(A) allows this Court to “extend the time prescribed by these Rules or by its orders to perform any act” when “good cause” is shown. Although the Appellants have made significant progress in drafting their reply brief, it cannot be finalized without the input of lead counsel, Joseph Powell. It is anticipated that Mr. Powell will be unable to participate in finalizing the reply brief for at least two weeks due to his injuries. Accordingly, Appellants believe that good cause exists to extend the deadline for the reply brief from October 3<sup>rd</sup> to October 24<sup>th</sup>.

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<sup>1</sup> Although Mr. Powell was shot, he is expected to make a full recovery.

### **III. Conclusion**

For the aforementioned reasons, the Appellants ask that this Honorable Court issue an order extending the deadline for the Appellants to file their reply brief to October 24, 2017.

Dated this 2<sup>nd</sup> day of October 2017.

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### **Certificate of Service**

I hereby certify that I electronically filed and served the foregoing **MOTION FOR AN ORDER ALLOWING APPELLANTS ADDITIONAL TIME TO FILE REPLY BRIEF** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on October 2, 2017 upon the following:

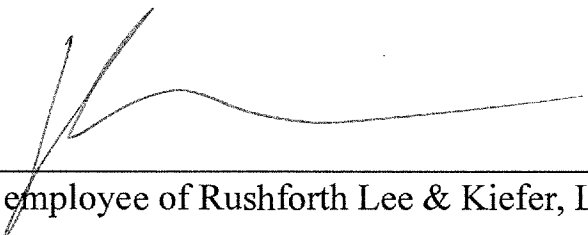
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