

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN M. LIPSITZ

APPELLANT,

v.

THE STATE OF NEVADA,

RESPONDENT.

CASE NO. 72057

DISTRICT NO. C316678

Electronically Filed
Mar 20, 2018 11:07 a.m.
Elizabeth A. Brown
Clerk of Supreme Court**APPELLANT LIPSITZ'S MOTION TO EXTEND
TIME TO FILE THE APPENDIX**

COMES NOW the Appellant, RYAN LIPSITZ, by and through his attorney of record, BRIAN VASEK, ESQ., and respectfully requests that this Honorable Court allow leave to expand time to file the Appendix by five (5) days for the reasons set forth in the points and authorities herein and the attached declaration of counsel. At the same time this motion was filed, Appellant's Opening Brief was also filed alongside a separate motion to extend time to file Appellant's Opening Brief by one (1) day. This request is made based upon NRAP 26(a)-(b) and NRAP 31(b)(3)(A) and the attached declaration of counsel.

DATED the 20th day of March, 2018.

BY: /s/ Brian Vasek, Esq.
BRIAN VASEK, ESQ.
Bar No. 13976
Counsel for Appellant, Ryan Lipsitz

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POINTS AND AUTHORITIES

NRAP 26(b)(1)(A) provides as follows: “For good cause, the Court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.” NRAP 26(b)(1)(A). Pursuant to the declaration contained herein, counsel can show good cause to extend the time to file the Appendix by five (5) days and humbly asks this Court for permission to file the Appendix after March 19, 2018. Specifically, counsel had numerous troubles personally preparing and scanning the Appendix due to its size and then faced additional troubles while commercially preparing and scanning the Appendix due to equipment malfunctions. However, due to the troubles discussed herein, counsel makes this request in good faith and not for the purposes of delay. Appellant’s Opening Brief is already filed.

The current briefing was due on March 19, 2018. Previous motions to extend time were filed by both the Clark County Public Defender, Amy A. Feliciano, Esq., and Brian Vasek, Esq. on the following dates: January 24, 2017; June 27, 2017; September 6, 2017; and November 11, 2017, and January 19, 2018 for various reasons, including but limited to the preparation of the trial transcript, Ms. Feliciano’s substitution of attorney, Ms. Feliciano’s health, and present counsel’s substitution. Furthermore, the Court Reporter filed a motion to extend time on March 29, 2017 to prepare the trial transcripts. It appears that these previous motions were granted in part and denied in part, thus resulting in the existing March 19, 2018 after counsel requested time to familiarize himself with a file of this size and begin preparing Appellant’s Opening Brief. This is Appellant’s sixth and final request for an extension for the **Appendix**. Appellant’s Opening Brief is already filed and counsel simply asks for a few days to scan the Appendix after numerous troubles both personally and commercially preparing this extensive document. Counsel asks for five (5) days, although counsel will likely submit the Appendix in the next seventy-two (72) hours.

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DECLARATION OF BRIAN VASEK, ESQ.

BRIAN VASEK, ESQ. makes the following declaration:

1. That I am an attorney duly licensed to practice law in the State of Nevada and counsel for Appellant Ryan Lipsitz for his appeal currently pending before this Honorable Court.
2. That Appellant's Opening Brief and Appendix was due on or about March 19, 2018.
3. That counsel submitted Appellant's Opening Brief at the same time as this motion, alongside a separate motion to extend time for Appellant's Opening Brief due to separate troubles during the scanning and uploading of this document.
4. That counsel is requesting a five (5) day extension of time to file the Appendix because of numerous troubles both personally and commercially preparing and scanning this lengthy document, including but not limited to a machine error with FedEx Office the afternoon of March 19, 2018 after counsel made one final effort to get this lengthy document scanned before the March 19 deadline.
5. That the Appendix is seven volumes, approximately 1,200 pages, and an essential document for this appeal.
6. That counsel does not anticipate further requests for an extension of time because the Opening Brief is now complete, filed, and no issues remain, other than the final scanning of the Appendix.
7. That this request for an extension of time is made in good faith and not for the purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct. NRS 53.045.

EXECUTED this 20th day of March, 2018.

/s/ Brian Vasek, Esq.
BRIAN VASEK, ESQ.

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1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that electronic service of the foregoing document was made the 20th day
3 of March, 2018 to the following persons:

4 CLARK COUNTY DISTRICT ATTORNEY
5 ATTORNEY GENERAL / CARSON CITY
6

7 **CERTIFICATE OF MAILING**

8 I further certify that I served a copy of the foregoing document on the 20th day of March,
9 2018, by mailing a true and correct copy thereof, postage pre-paid addressed to:

10 RYAN LIPSITZ, #1169942
11 HIGH DESERT STATE PRISON
12 P.O. BOX 650
13 INDIAN SPRINGS, NEVADA 89070

14 BY: /s/ Brian Vasek, Esq.
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