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5 Las Vegas, Nevada 89101
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Attorneys for Respondents

Electronically Filed
Mar 27 2018 09:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
9

10 PARDEE HOMES OF NEVADA,

11 Appellant,

12 vs.
13

14 JAMES WOLFRAM; and ANGELA L.
15 LIMBOCKER-WILKES as trustee of the
16 WALTER D. WILKES AND ANGELA L.
LIMBOCKER-WILKES LIVING TRUST,

17 Respondents.

Case No.: 72371

Eighth Judicial District Court
Case No.: A-10-632338-C

RESPONDENTS' MOTION FOR
EXTENSION OF TIME TO FILE
ANSWERING BRIEF
[First Request]

18 Respondents, JAMES WOLFRAM and ANGELA L. LIMBOCKER-WILKES as
19 trustee of the WALTER D. WILKES AND ANGELA L. LIMBOCKER-WILKES LIVING
20 TRUST, by and through their counsel of record, James J. Jimmerson, Esq. and Michael
21 C. Flaxman, Esq. of THE JIMMERSON LAW FIRM, P.C., hereby moves this Court,
22 pursuant to NRAP 31(b)(3), for a 30-day extension to file their answering brief on appeal.
23

24 While Respondents were hopeful that judicial intervention would not be
25 necessitated, Appellant, Pardee Homes of Nevada's, tactics and lack of professional
26 courtesy have required the filing of the instant Motion.

27 Pursuant to NRAP 31(a)(1)(A), Appellant's opening brief was due on or before
28 January 29, 2018. However, on January 18, 2018, Appellant's counsel requested a 30-

1 day extension of time to file its opening brief, to which Respondents' counsel agreed that
2 day. On January 22, 2018, Appellant filed its Stipulation to Extend Time to File Opening
3 Brief (First Request), which was approved by this Court on said date, and Appellant filed
4 its opening brief on February 28, 2018, the last day of the 30-day extension provided by
5 stipulation.

6
7 Given the significant number of appendices (88 in total), in conjunction with other
8 matters being attended to by Respondents' counsel, on or about March 7, 2018,
9 Respondents' counsel telephonically requested from Appellant's counsel a 30-day
10 extension to file their answering brief, the same extension previously provided to
11 Appellant's counsel, without hesitation or conditions. On March 9, 2018, Appellant's
12 counsel responded by advising that they would grant Respondents' request for a 30-day
13 extension, with the express condition that this would be "the only extension [Appellant]
14 will sign off on."¹ On March 13, 2018, Respondents' counsel submitted a proposed
15 Stipulation to Extend Time to File Answering Brief (First Request) to Appellant's counsel
16 for review.² On March 19, 2018, Appellant's counsel advised that, upon review of the
17 proposed stipulation, they modified the same to read that "[t]his is the only extension the
18 parties agree that Respondents are entitled to receive."³
19
20

21 Given Appellant's requested and unnecessary condition in the proposed
22 Stipulation to Extend Time to File Answering Brief, Respondents' counsel advised
23 Appellant's counsel they were unwilling to bind themselves to forgoing any additional
24 extensions during the appellate process. Thereafter, after discussion between counsels,
25

26
27 ¹ See email, dated March 9, 2018, attached hereto as **Exhibit A**.

28 ² See proposed Stipulation to Extend Time to File Answering Brief (First Request)
attached hereto as **Exhibit B**.

³ See email, dated March 19, 2018, along with the revised proposed Stipulation to
Extend Time to File Answering Brief (First Request) attached hereto as **Exhibit C**.

1 Appellant's counsel agreed to the 30-day extension, this time under the condition that
2 this would be "the only extension the parties agree that Respondents are entitled to
3 receive with respect to their answering brief."⁴ Again, believing that Appellant's refusal
4 to stipulate to a 30-day extension without conditions, and in consideration of the 30-day
5 extension Appellant received to file its opening brief, Respondents' counsel advised that
6 they were unwilling to agree to such restrictions. Respondents' counsel further advised
7 that if Appellant was unwilling to agree to a 30-day extension to file the answering brief,
8 without condition, they would seek redress by way of the instant Motion. On March 26,
9 2018, Appellant's counsel advised that their client "would not agree to a stipulation
10 without language stating it is the only extension to which [Appellant] agrees. As such,
11 it's best your client file the motion and allow the Court to resolve the matter."⁵ Therefore,
12 this Motion follows.⁶
13
14

15 Pursuant to NRAP 31(a)(1)(B) and the Stipulation to Extend Time to File Opening
16 Brief (First Request), filed January 22, 2018, Respondents answering brief is presently
17 due on or before April 30, 2018. However, as discussed hereinabove, based upon the
18 extensive record from the District Court action, along with other matters being handled
19 by Respondents' counsel, an extension of time to file the answering brief became
20 necessary.
21

22 ///

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27 ⁴ See re-revised proposed Stipulation to Extend Time to File Answering Brief (First
Request) attached hereto as **Exhibit D**.

28 ⁵ See email, dated March 26, 2018, attached hereto as **Exhibit E**.

⁶ Respondents do not anticipate needing another extension; however, Respondents
are not willing to waive their right to seek the same should the need arise.

1 As such, Respondents respectfully request a 30-day extension to file their
2 answering brief. If such request is granted, Respondents' answering brief would be due
3 on or before Monday, April 30, 2018.

4 DATED this 27th day of March, 2018.

5 Respectfully submitted by:

6 THE JIMMERSON LAW FIRM, P.C.

7
8 By: Michael C. Flaxman

9 JAMES J. JIMMERSON, ESQ.

10 Nevada State Bar No. 000264

11 MICHAEL C. FLAXMAN, ESQ.

12 Nevada State Bar No. 12963

13 415 South Sixth Street, Suite 100

14 Las Vegas, Nevada 89101

15 Attorneys for Respondents
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of The Jimmerson Law Firm, P.C. and that on the 27th day of March, 2018, a true and correct copy of the foregoing **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF [FIRST REQUEST]** was e-filed and e-served on all registered parties to the Supreme Court's electronic filing system, which will provide copies to all counsel of record registered to receive such electronic notification on the following:

Pat Lundvall, Esq.
Rory T. Kay, Esq.
McDONALD CARANO LLP
2300 W. Sahara Avenue, Ste. 1200
Las Vegas, Nevada 89102
Attorneys for Appellant



An employee of The Jimmerson Law Firm, P.C.

EXHIBIT A

Michael C. Flaxman

From: Rory Kay <rkey@mcdonaldcarano.com>
Sent: Friday, March 09, 2018 1:28 PM
To: Michael C. Flaxman
Subject: Re: Wolfram et al. v. Pardee

No problem with the extension on the condition that it's the only extension my client will sign off on. If you want to prepare a stip and send to me, I can sign early next week. Have a good weekend.

Rory

Sent from my iPhone

On Mar 9, 2018, at 1:25 PM, Michael C. Flaxman <mcf@jimmersonlawfirm.com<mailto:mcf@jimmersonlawfirm.com>> wrote:

Rory:

Any update on our request for a 30 day continuance?

Michael C. Flaxman, Esq.
Associate Attorney
JIMMERSON LAW FIRM, P.C.
415 South Sixth Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 388-7171
Facsimile: (702) 380-6412

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BEGIN-ANTISPAM-VOTING-LINKS

Teach NetIt if this mail (ID 09VjVs0JF) is spam:

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END-ANTISPAM-VOTING-LINKS

EXHIBIT B

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

2
3 PARDEE HOMES OF NEVADA,

4 Appellant,

5
6 vs.

7
8 JAMES WOLFRAM, AN
9 INDIVIDUAL; ANGELA L.
10 LIMBOCKER-WILKES, AS TRUSTEE
11 OF THE WALTER D. WILKES AND
12 ANGELA L. LIMBOCKER-WILKES
13 LIVING TRUST, A NEVADA TRUST;
14 AND WALTER D. WILKES AND
15 ANGELA L. LIMBOCKER-WILKES
16 LIVING TRUST, A NEVADA TRUST,

17 Respondents.

Case No.: 72371

Eighth Judicial District Court
Case No.: A-10-632338-C

**STIPULATION TO EXTEND
TIME TO FILE ANSWERING
BRIEF
(FIRST REQUEST)**

18 Pursuant to NRAP 26(b)(2) and 31(b)(2), Respondents James Wolfram,
19 Angela L. Limbocker-Wilkes, as trustee of the Walter D. Wilkes and Angela L.
20 Limbocker-Wilkes Living Trust, and Walter D. Wilkes and Angela L. Limbocker-
21 Wilkes Living Trust (collectively “Respondents”) and Appellant Pardee Homes of
22 Nevada (“Pardee”) stipulate to extend the deadline for Respondents’ answering
23 brief for thirty (30) days.

24
25 NRAP 26(b)(2) permits the parties to extend time once by stipulation. NRAP
26 31(b)(2) also allows the parties to extend the time for filing any brief for a total of
27
28

thirty (30) days by filing a written stipulation. Accordingly, Respondents and Pardee request that the Court extend the deadline for Respondents' answering brief by thirty (30) days such that Pardee's opening brief shall be due on or before **April 30, 2018**.

DATED this _____ day of _____, 2018.

McDONALD CARANO LLP

JIMMERSON LAW FIRM, P.C.

PAT LUNDVALL, ESQ.
RORY T. KAY, ESQ.
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

JAMES J. JIMMERSON, ESQ.
MICHAEL C. FLAXMAN, ESQ.
415 S. 6th Street, #100
Las Vegas, Nevada 89101

Attorneys for Appellant Pardee Homes of Nevada *Attorneys for Respondents*

EXHIBIT C

Michael C. Flaxman

From: Rory Kay <rkay@mcdonaldcarano.com>
Sent: Monday, March 19, 2018 10:59 AM
To: Michael C. Flaxman
Subject: RE:
Attachments: Wolfram Stip.pdf

Michael,

Please see the attached. I cleaned up the language a bit to clarify that this extension affects Respondents' brief and not Pardee's opening brief, and I also included some language noting this is the only extension to which Pardee agrees. If acceptable, please circulate a new copy and I will sign ASAP for you.

Thanks,

Rory T. Kay | Attorney

McDONALD CARANO

P: 702.873.4100 | E: rkay@mcdonaldcarano.com

From: Michael C. Flaxman <mcf@jimmersonlawfirm.com>
Sent: Thursday, March 15, 2018 10:02 AM
To: Rory Kay <rkay@mcdonaldcarano.com>
Subject:

Rory:

Please see the attached revised SAO. The only revision was the deletion of the firm information from the left side of the pleading paper.

Michael C. Flaxman, Esq.

Associate Attorney
JIMMERSON LAW FIRM, P.C.
415 South Sixth Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 388-7171
Facsimile: (702) 380-6412

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22 Nevada ("Pardee") stipulate to extend the deadline for Respondents' answering
23 brief for thirty (30) days.

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26 31(b)(2) also allows the parties to extend the time for filing any brief for a total of
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1 thirty (30) days by filing a written stipulation. Accordingly, Respondents and Pardee
2 request that the Court extend the deadline for Respondents' answering brief by thirty
3 ~~(30) days such that Pardee's opening~~ ^{THE ANSWERING} brief shall be due on or before April 30, 2018.
4

5 DATED this _____ day of _____, 2018.

6 McDONALD CARANO LLP

JIMMERSON LAW FIRM, P.C.

7
8
9 PAT LUNDVALL, ESQ.
10 RORY T. KAY, ESQ.
11 2300 West Sahara Avenue, Suite 1200
12 Las Vegas, Nevada 89102

JAMES J. JIMMERSON, ESQ.
MICHAEL C. FLAXMAN, ESQ.
415 S. 6th Street, #100
Las Vegas, Nevada 89101

13 *Attorneys for Appellant Pardee Homes of Nevada* *Attorneys for Respondents*
14

15 " THIS IS THE ONLY EXTENSION THE PARTIES AGREE
16 THAT RESPONDENTS ARE ENTITLED TO RECEIVE."
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EXHIBIT D

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

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3 PARDEE HOMES OF NEVADA,

4 Appellant,

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thirty (30) days by filing a written stipulation. Accordingly, Respondents and Pardee request that the Court extend the deadline for Respondents' answering brief by thirty (30) days such that Respondent's answering brief shall be due on or before **April 30, 2018**. This is the only extension the parties agree that Respondents are entitled to receive.

DATED this _____ day of _____, 2018.

McDONALD CARANO LLP

JIMMERSON LAW FIRM, P.C.

PAT LUNDVALL, ESQ.
RORY T. KAY, ESQ.
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

JAMES J. JIMMERSON, ESQ.
MICHAEL C. FLAXMAN, ESQ.
415 S. 6th Street, #100
Las Vegas, Nevada 89101

Attorneys for Appellant Pardee Homes of Nevada *Attorneys for Respondents*

EXHIBIT E

Michael C. Flaxman

From: Rory Kay <rkay@mcdonaldcarano.com>
Sent: Monday, March 26, 2018 10:13 AM
To: Michael C. Flaxman
Subject: Wolfram v. Pardee: Extension for Answering Brief

Michael,

Thanks for the call this morning. I followed up, and my client will not agree to a stipulation without language stating it is the only extension to which Pardee agrees. As such, it's best your client file the motion and allow the Court to resolve the matter.

Thanks,

Rory T. Kay | Attorney

McDONALD CARANO

2300 West Sahara Avenue | Suite 1200
Las Vegas, NV 89102

P: 702.873.4100 | F: 702.873.9966

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