

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

BANK OF AMERICA, N.A.;  
MORTGAGE ELECTRONIC  
REGISTRATIONS SYSTEMS, INC.;  
and THE BANK OF NEW YORK  
MELLON,

Appellants,

vs.

THOMAS JESSUP, LLC SERIES VII,

Respondent.

Case No. 73785 Electronically Filed  
Jan 05 2018 11:18 a.m.  
Elizabeth A. Brown  
District Court Case No. A-13-693205  
Clerk of Supreme Court

**APPEAL**

from the Eighth Judicial District Court, Department VII  
The Honorable Linda Marie Bell, District Judge  
District Court Case No. A-13-693205-C

---

**MOTION TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX**

---

DARREN T. BRENNER, ESQ.  
Nevada Bar No. 8386  
WILLIAM S. HABDAS, ESQ.  
Nevada Bar No. 13138  
AKERMAN LLP  
1635 Village Center Circle, Suite 200  
Las Vegas, NV 89134  
Telephone: (702) 634-5000

*Attorneys for Appellants*

Pursuant to NRAP 26(b)(1)(A) and 27, Appellants Bank of America, N.A. (**BANA**), Mortgage Electronic Registrations Systems, Inc. (**MERS**), and The Bank of New York Mellon (**BoNYM**) (collectively **Appellants**), by and through their counsel of record, Akerman LLP respectfully requests the Court to file the opening brief and appendix one day late. Appellant's opening brief, was due on January 3, 2018. Appellants attempted several times to file their opening brief on January 3, 2018, but were informed that the Supreme Court Clerk's website was not working. For this reason, Appellants were unable to file their opening brief timely.

NRAP 26(b)(1)(A) states that this Court “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.”

Appellants believe that the inability to access the Supreme Court Clerk's website provides the required good cause. Furthermore, disallowing the brief a single day late would be a harsh and disproportionate sanction in light of the stakes of the litigation and meritorious arguments Appellants intend to raise on appeal. This motion was filed the very next day after the problems. Respondent has not been prejudiced by this minor delay.

//

//

//

Appellants are concurrently filing the opening brief and appendix with this motion. Appellants make this request in good faith and not for the purpose of harassment or delay.

Dated: January 4, 2018.

**AKERMAN LLP**

*/s/ William S. Haldas*

DARREN T. BRENNER, ESQ.

Nevada Bar No. 8386

WILLIAM S. HABDAS, ESQ.

Nevada Bar No. 13138

1635 Village Center Circle, Suite 200  
Las Vegas, NV 89134

*Attorneys for Appellants*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on the 4<sup>th</sup> day of January, 2018, I caused to be served a true and correct copy of the foregoing **MOTION TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX**, in the following manner:

**(ELECTRONIC SERVICE)** The above referenced document was electronically filed on the date hereof with the Clerk of the Court for the Supreme Court of the State of Nevada by using the Court's CM/ECF system and served through the Court's Notice of electronic filing system automatically generated to those parties registered on the Court's Master E-Service List.

RICHARD TOBLER, ESQ.  
Nevada Bar No. 4070  
3654 N. Rancho Drive, Suite 102  
Las Vegas, NV 89130

*Attorney for Respondent  
Michael Jessup, LLC Series VII*

*/s/ Carla Llarena*  
\_\_\_\_\_  
An employee of AKERMAN LLP