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Electronically Filed
Jul 13 2018 01:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF RENO,

Appellant,

vs.

JODY YTURBIDE,

Respondent.

No. 73971

**PROPOSED AMICUS CURIAE
NEVADA JUSTICE ASSOCIATION'S
MOTION TO EXTEND TIME TO
FILE MOTION FOR LEAVE TO
FILE AMICUS BRIEF IN SUPPORT
OF RESPONDENT**

COMES NOW proposed Amicus Curiae NEVADA JUSTICE ASSOCIATION (NJA), by and through its attorney and Workers' Compensation Amicus Committee member, JAMES P. KEMP, ESQ., and hereby moves, pursuant to NRAP 26(b) and NRAP 29(f), that this honorable court grant an extension of time through and including July 27 17, 2018 in which to file its motion for leave to file a brief as Amicus Curiae in support of the Respondent in this appeal under NRAP 29.

This extra time is needed due to the undersigned being out of state for a CLE conference and then on vacation and having a heavy workload during the time period when the motion seeking leave to file an Amicus Brief was due. Extra time is needed to draft the proposed Amicus brief to address the important workers' compensation

1 issues in this appeal. The Court will be aided by the insight and information that will
2 be provided to it by the NJA. The parties and the Court will be benefitted and will not
3 be prejudiced by the short extension. NRAP 29(f) expressly provides authorization for
4 the Court to grant the requested extension.
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6 **POINTS AND AUTHORITIES**

7 **I. DECLARATION OF JAMES P. KEMP, ESQ.**

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9 COMES NOW JAMES P. KEMP, ESQ. and hereby declares under penalty of
10 perjury that the following is true and correct of his own personal knowledge, except as
11 to matters stated upon information and belief and as to those the declarant believes
12 those matters to be true. If called to testify the undersigned would truthfully and
13 competently testify as follows:
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- 16 1. I am an attorney admitted to practice before all courts of the State of Nevada.
- 17 2. I am a member of the Nevada Justice Association (NJA) and a member of its
18 Workers' Compensation Amicus Committee. I represent NJA as a proposed
19 Amicus Curiae in the above-captioned appeal in this Court.
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- 21 3. The NJA is an association of Nevada attorneys many of whom represent injured
22 employees in workers' compensation claims under the Nevada Industrial
23 Insurance Act, NRS Chapter 616A-616D and Chapter 617. As an organization
24 and as individual members the NJA and its membership have a keen interest in
25 the development of workers' compensation law in Nevada.
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1 4. Counsel for Respondent Jody Yturbide, JASON D. GUINASSO, ESQ.,
2 contacted NJA and informed NJA of the above-captioned appeal and the issues
3 related to Permanent Partial Disability (PPD) awards that are under
4 consideration in this appeal of the District Court's Order on a Petition for
5 Judicial Review in a workers' compensation matter. Mr. Guinasso requested
6 NJA to provide support for the Respondent by filing an Amicus Curiae brief
7 pursuant to NRAP 29. NJA has agreed to seek leave of the Court to file an
8 Amicus Curiae brief in support of Appellant in this matter. I have been
9 designated by NJA to coordinate the effort in drafting and seeking leave to file
10 an Amicus Curiae brief.
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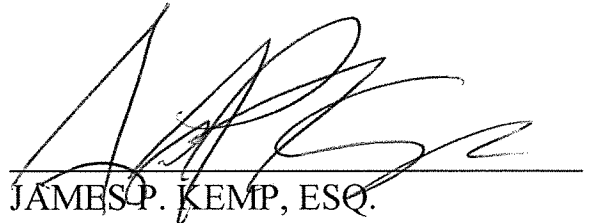
12 5. On or about June 27, 2018 I received word that the Court Clerk accepted and
13 filed Appellant's Opening Brief with a filed stamped date of June 26, 2018. At
14 that time I was in Chicago for the National Employment Lawyers Association's
15 annual CLE convention. I did not return to the office until Monday, July 2,
16 2018. July 4, 2018 was a holiday and my office was closed. On Friday, July 6,
17 2018 I left on a long-planned family vacation to my wife's family reunion in
18 Wyoming. I just returned from that trip today, July 13, 2018. Accordingly, I
19 have not had time to coordinate efforts with other members of the Workers'
20 Compensation Amicus Committee to draft and perfect a brief and motion for
21 leave to file under NRAP 29.
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1 6. Based on the rules for computing time under NRAP 26, I have calculated the
2 deadline to file the motion for leave under NRAP 29 as July 9, 2018 due to the
3 weekends and holidays contained in the time period in which to file and the
4 additional 3 days provided by NRAP 26(c).
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6 7. Based upon my workload and because of the importance of the issues involved
7 in this appeal and the time that I estimate that it will take to draft and perfect the
8 proposed brief, I am requesting an extension to July 27, 2018 to file the motion
9 for leave to file an Amicus Curiae brief on behalf of NJA in support of the
10 Appellant in this appeal.
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13 FURTHER THE DECLARANT SAYETH NAUGHT

14 DATED: July 13, 2018
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16 
17 JAMES P. KEMP, ESQ.
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19 **II. ARGUMENT**
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21 Nevada Rules of Appellate Procedure Rule 29 provides the procedure for seeking
22 leave to file a brief as Amicus Curiae. It provides that a motion for leave to file an
23 Amicus Curiae brief must be filed within seven days of the filing of the brief of the
24 party in support of whom the Amicus brief will be filed. However, NRAP 29(f)
25 provides as follows:
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1 **(f) Time for Filing.** An amicus curiae must file its brief,
2 accompanied by a motion for filing when necessary, no later than 7 days
3 after the brief of the party being supported is filed. An amicus curiae that
4 does not support either party must file its brief no later than 7 days after
5 the appellant's opening brief is filed. **The court may grant leave for**
6 **later filing, specifying the time within which an opposing party may**
7 **answer.**

8 (Emphasis Added)

9 Due to the undersigned being out of state for CLE during most of 7 day period
10 and then on vacation on July 9, 2018 when the 7 day period ran, and due to the
11 undersigned's heavy workload, good cause exists to grant the extension of time to file
12 a motion for leave to file an Amicus Curiae on behalf of the Nevada Justice
13 Association. The undersigned requests until July 27, 2018, which is two weeks from
14 the date of this motion. The insight and information that will be provided to the court
15 by the NJA will be helpful to the Court's consideration of the important PPD award
16 issues in this appeal of the petition for judicial review in this workers' compensation
17 matter. Neither the parties nor the court will be prejudiced by granting this short
18 extension which is expressly authorized under NRAP 29 (f) and if necessary the Court
19 can specify extra time for the Appellant to answer under the rule.
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