

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 9050 W
WARM SPRINGS 2079,

Appellant,

vs.

NEVADA ASSOCIATION SERVICES;
JAMES P. MARKEY; AND DITECH
FINANCIAL LLC,

Respondents.

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Apr 23 2018 03:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.: 74153

APPEAL

From the Eighth Judicial District Court, Clark County Nevada
The Honorable Timothy Williams, Department XXVI, District Court Judge
District Court Case No. A-16-730623-C

**RESPONDENT JAMES P. MARKEY'S MOTION TO EXTEND TIME TO
FILE JOINDER TO RESPONDENT DITECH FINANCIAL LLC'S
ANSWERING BRIEF FILED APRIL 23, 2018**

JOHN W. THOMSON, ESQ.
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Attorney for Respondent JAMES P. MARKEY

NRAP 26.1 DISCLOSURE STATEMENT

Respondent JAMES P. MARKEY is an individual so there are no parent corporation or publicly held companies to be disclosed. Respondent certifies that his name, as listed above, is the true and correct name of said Respondent.

Respondent JAMES P. MARKEY has been represented throughout the underlying litigation by the Law Office of John W. Thomson, Esq.

Dated: April 23, 2018

LAW OFFICE OF JOHN W. THOMSON

/s/ John W. Thomson

JOHN W. THOMSON, ESQ.

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Attorney for Respondent James P. Markey

MEMORANDUM OF POINTS AND AUTHORITIES

Respondent James P. Markey (“Markey”) attempted to file a Joinder to Respondent Ditech Financial LLC’s (“Ditech”) Answering Brief on April 23, 2018, but it was rejected by the Court because it was not timely filed. Ditech’s Answering Brief was timely submitted on April 20, 2018, but a miscommunication between Respondents’ counsel prevented Markey’s counsel from reading Ditech’s Answering Brief before the time deadline. Markey’s counsel needed to read Ditech’s brief before filing a Joinder, and therefore filed the Joinder one judicial day after Ditech’s Answering Brief was submitted and on the same day as Ditech’s Answering Brief was filed by the Court.

Pursuant to Nevada Rules of Appellate Procedure (“NRAP”), Rule 28(i), James P. Markey (“Markey”) may join in the other Respondent’s Answering Brief. Rule 28 states in relevant part: “**(i) Briefs in a Case Involving Multiple Appellants or Respondents.** In a case involving more than one appellant or respondent, including consolidated cases, any number of appellants or respondents may join in a single brief, and any party may adopt by reference a part of another’s brief. ...”

NRAP 26(b)(1)(A) states: “**(b) Extending Time. (1) By Court Order.** (A) 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.” Since the time has expired for Markey to file his Joinder to Ditech’s Answering Brief, Markey respectfully requests that the Court extend the time by one judicial day for him to file his Joinder.

Markey’s counsel did not have the opportunity to read Ditech’s Answering Brief until one judicial day after it was submitted and, after reading, immediately filed a Joinder. There is good cause for the Court to grant the Motion to Extend time for Markey to file the Joinder, even if filed one judicial day late, because Markey needed to read and certify that what was in the Answering Brief was true and correct before filing a Joinder. Markey has not purposefully delayed in filing his Joinder, and since the Appellant received the Answering Brief today, and because Markey has not added to the arguments presented by Ditech, Appellant will not be prejudiced by the Joinder being filed after the time prescribed. Accordingly, Markey respectfully requests that this Court grant his Motion to Extend the time to file a Joinder to Ditech’s Answering Brief, by one judicial day.

Dated: April 23, 2018

Respectfully Submitted,

/s/ John W. Thomson
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Attorney for Respondent James Markey

CERTIFICATE OF COMPLIANCE

1. I hereby certify that I have read Respondent Markey's Motion for Extension of Time to File Joinder to Ditech's Answering appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.

Dated: April 23, 2018

LAW OFFICE OF JOHN W. THOMSON

/s/ John W. Thomson
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CERTIFICATE OF SERVICE

I, the undersigned, declare under the penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, the outcome of this action. On April 20, 2018, I caused to be served a true and correct copy of the foregoing **RESPONDENT JAMES P. MARKEY'S MOTION TO EXTEND TIME TO FILE JOINDER TO RESPONDENT DITECH FINANCIAL LLC'S ANSWERING BRIEF FILED APRIL 23, 2018** upon the following individuals and entities, by the method indicated:

☐ **By E-Mail:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.

☒ **By Electronic Submission:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

/s/ John W. Thomson
An employee of the
Law Offices of John W. Thomson