

In the Supreme Court of Nevada

GEORGE STUART YOUNT,
individually, and in his capacity as
owner of GEORGE STUART YOUNT
IRA,

Appellant,

vs.

CRISWELL RADOVAN, LLC; CR CAL
NEVA, LLC; ROBERT RADOVAN;
WILLIAM CRISWELL; CAL NEVA
LODGE, LLC; POWELL COLEMAN AND
ARNOLD LLP; DAVID MARRINER; AND
MARRINER REAL ESTATE, LLC,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION FOR EXTENSION
TO FILE OPENING BRIEF AND APPENDIX**

Appellant moves to extend the deadline for filing the opening brief and appendix by 90 days, up to and including Tuesday, January 22, 2019.¹ NRAP 31(b)(3). The brief is currently due October 23, 2018. This is the first motion for extension pursuant to NRAP 31(b)(3). (The Court extended the deadline 60 days in response to appellant's motion to determine appellate jurisdiction.) No request for additional time has been denied or denied in part.

¹ The 90th day falls on Monday, January 21, 2019, which is a non-judicial day. See NRAP 26(a)(3).

Undersigned counsel has conferred with attorneys for respondents, Martin Little and Mark Simons, who inform that respondents agree to this request. (The courtesy is appreciated.)

Many of the points and authorities in this brief, and even whether it ultimately is necessary, may be affected by a significant hearing in the district court on December 20, 2018. The primary issue in this appeal is whether the judgment is supported by the evidence at trial (heard by the late Judge Flanagan) and procedurally appropriate in light of claims and defenses that were (or were not) raised. On December 20, the district court (Judge Egan Walker) will hear argument on the following motions that likely will affect the contents of the opening brief or render it unnecessary: plaintiff-appellants' "Motion for Judgment as a Matter of Law, For Relief from Judgment, to Alter and Amend the Judgment, to Amend the Findings, and for New Trial;" the Criswell Radovan defendant-respondents' "Motion to Amend Judgment;" and the Marriner defendant-respondents' "Motion to Amend the Pleadings to Conform to the Evidence and Judgment."

On December 20, the district court will hear motions for fees, as well. Yount likely would appeal from any award of fees against him.

And in the interest of judicial economy, Yount would move to consolidate that appeal with this one so that all appeals could be handled in one exchange of briefs. Finally, the district court also will take up a motion to disqualify counsel based on an alleged conflict of interest. Hypothetically, the district court's ruling on that motion could affect who completes the opening brief.

Judicial economy, as well as finite resources of all parties in this matter, would be conserved if the briefing schedule is revised to facilitate inclusion of all issues at once. Moreover, extending the deadline through January 22, 2019, in particular, would allow the district court time after the hearing to resolve the motions and Yount time to adapt his opening brief accordingly. Therefore, appellant respectfully requests an extension of 90 days in which to file its opening brief and appendix.

DATED this 23rd day of October, 2018.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

RICHARD G. CAMPBELL, JR.
Nevada Bar No. 1832
KAEMPFER CROWELL
50 West Liberty Street
Suite 700

By: /s/ Joel D. Henriod
DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway
Suite 600

Reno, Nevada 89501
(775) 852-3900

Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on October 23, 2018, I submitted the foregoing
“UNOPPOSED MOTION FOR EXTENSION TO FILE OPENING BRIEF AND
APPENDIX” for filing *via* the Court’s eFlex electronic filing system.

Electronic notification will be sent to the following:

MARTIN A. LITTLE
ALEXANDER VILLAMAR
HOWARD & HOWARD
3800 Howard Hughes Parkway
Suite 1000
Las Vegas, Nevada 89169

MARK G. SIMONS
SIMONS LAW, PC
6490 S. McCarran Boulevard
Suite #20
Reno, Nevada 89509

*Attorneys for Respondents Cal
Neva Lodge, LLC, CR Cal Neva,
LLC, Criswell Radovan, LLC,
Robert Radovan and William
Criswell*

*Attorneys for Respondents David
Marriner, Marriner Real Estate,
LLC, and Powell Coleman and
Arnold, LLP*

/s/Adam Crawford
An Employee of Lewis Roca Rothgerber Christie LLP