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May 24 2018 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 **SUPREME COURT OF NEVADA**

6
7 Tae-Si Kim as an individual; and Jin-Sung,
as an individual.

SUPREME COURT CASE NO.
74803

8 Appellants,

DISTRICT COURT CASE NO.
A-756785

9 v.

10 Dickinson Wright, PLLC, a Nevada
11 Professional Limited Liability Company;
Jodi Donetta Lowry, Esq. an Individual;
12 Jonathan M.A. Salls, Esq., an Individual;
13 Eric Dobberstein, Esq., an Individual; and
Michael G. Vartanian Esq., an Individual

14 Respondents.

15 **APPELLANTS' MOTION TO EXTEND TIME TO FILE APPEAL BRIEF**

16
17 Now comes Appellants by and through their counsel of record Brandon L. Phillips, Esq.
18 of the law firm BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC, and hereby files their
19 Motion for an Extension of Time to File Appeal Brief. This Motion is based on the memorandum
20 of facts, legal authority, the Declaration of Brandon L. Phillips, Esq., and any exhibits attached
21 hereto.

22 Dated this 23rd day of May, 2018.

23 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

24 /s/ Brandon L. Phillips
Brandon L. Phillips, Esq.
25 *Attorney for Appellants*

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1 I. FACTUAL BACKGROUND

2 On October 26, 2016, Appellants filed their Notice of Appeal, appealing the decision issued
3 by the District Court granting Respondents' Motion to Dismiss. Appellants alleged that there
4 were substantial procedural errors in Respondents' recording of documents with the Clark
5 County Recorders' office. Further Appellants argued that the Note and Deed of Trust had been
6 separated and that there is a factual dispute as to whether the two were ever reunited prior to the
7 initiating of the foreclosure process.
8

9 On November 23, 2106, Appellants timely filed their Case Appeal Statement with the
10 District Court. Inadvertently the document was not filed with the Supreme Court.
11

12 Previously this Court granted Appellants' oral request to extend the date of filing the
13 Appeal Brief until August 7. Unfortunately, a family emergency occurred over the weekend
14 leading into Sunday resulting in Appellants' counsel's mother, who was from out-of-state
15 visiting, to be admitted to Desert Springs Hospital where she continues to remain and her release
16 date is unknow at this time. Due to the unexpected nature of the incident, Appellants' counsel
17 was unable to finalize the filing of the appeal brief. Appellants' counsel spoke with Respondents'
18 counsel concerning the incident and there was no opposition to a requested one (1) week
19 extension.
20
21

22 LEGAL ANALYSIS

23 RULE 31. FILING AND SERVICE OF BRIEFS.

24 **(a) Time for Serving and Filing Briefs.** Unless a different briefing schedule is provided
25 by a court order in a particular case or by these or any other court rules, parties shall observe
26 the briefing schedule set forth in this Rule.
27

28 **(3) Motions for Extensions of Time.** A motion for extension of time for filing a brief may
be made no later than the due date for the brief and must comply with the provisions of this Rule
and Rule 27.

1
2 **(A) Contents of Motion.** A motion for extension of time for filing a brief shall
include the following:

- 3 (i) The date when the brief is due;
4 (ii) The number of extensions of time previously granted (including a 5-day telephonic
5 extension), and if extensions were granted, the original date when the brief was due;
6 (iii) Whether any previous requests for extensions of time have been denied or denied in
part;
7 (iv) The reasons or grounds why an extension is necessary; and
8 (v) The length of the extension requested and the date on which the brief would become
due.

- 9
10 1. The Appeal Brief was due on May 10, 2018.
11
12 2. One (1) 5-day telephonic extension was requested and granted, which extended the
Appeal Brief deadline to May 23, 2018.
13
14 3. The primary basis for the extension request stems from unexpected events effecting
the Law Firm, primarily the unexpected death of a client, also a friend and attorney in
15 licensed in Nevada, which has resulted in the Law Firm taking on additional cases,
16 having to obtain counsel to gain access to the decedent's client files, and working
17 with the State Bar to gain access to client files.
18
19 4. The extension request is for only for ten (10) business days and will be filed on June
20 6, 2018.

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1 II. CONCLUSION

2 Based on the foregoing, Appellant hereby requests a brief extension of ten (10) business
3 days to file the Appeal Brief. There is no prejudice to the Respondents and the request should be
4 granted.
5

6 Dated this 23rd day of May, 2018.

7 **BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC**

8 /s/ Brandon L. Phillips

9 Brandon L. Phillips, Esq.

10 *Attorney for Appellants*

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1 **DECLARATION OF BRANDON L. PHILLIPS, ESQ. IN SUPPORT OF APPELLANTS'**
2 **MOTION FOR AN EXTENSION OF TIME**

3 I, Brandon L. Phillips, hereby declare under penalty of perjury that the following
4 statements are true and accurate to the best of my knowledge.

- 5 1. I, Brandon L. Phillips, am over the age of 18 and competent to testify to the
6 statements made below.
7
8 2. That due to the unexpected circumstances of the death of a client/friend, Nevada
9 attorney, the Firm has had to take on additional cases, and work with the Court and
10 State Bar to obtain certain client files.
11
12 3. That I contacted counsel for Respondent, Mr. Lowry, but did not receive a response
13 concerning the extension request.
14
15 4. That there was no intent to delay this matter or any of the required filings.
16
17 5. Counsel respectfully requests that this Court, grant the Motion and allow for the
18 immediate filing of said documents.

19
20 DECLARANT FURTHER SAYETH NAUGHT.

21 Dated this 23rd day of May, 2018.

22 **BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC**

23 /s/ Brandon L. Phillips
24 Brandon L. Phillips, Esq.
25 *Attorney for Appellants*
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