

IN THE SUPREME COURT OF THE STATE OF NEVADA

APCO CONSTRUCTION, INC., A
NEVADA CORPORATION,

Appellant,

vs.

ZITTING BROTHERS CONSTRUCTION,
INC.,

Respondent.

Case No.: 75197

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Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial
District Court, the Honorable Mark
Denton Presiding

MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF AND APPENDIX
(First Written Request)

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MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF AND APPENDIX
(First Written Request)

Appellant, APCO Construction, Inc. (“APCO”), by and through its counsel of record, Marquis Aurbach Coffing and Spencer Fane LLP, hereby moves this Court pursuant to NRAP 31(b) for a 30-day extension of time to file its opening brief and appendix.

APCO’s opening brief and Appendix were originally due on August 16, 2018. This Court granted a 14-day telephonic extension on August 8, 2018, making APCO’s opening brief and appendix currently due on August 30, 2018. This is APCO’s first written request for extension. If this Court grants this request for a 30-day extension, APCO’s opening brief and appendix will be due on October 1, 2018. Good cause exists for allowing APCO to extend the filing deadline until October 1, 2018:

1. The underlying litigation involves 16 consolidated cases with proceedings spanning over a decade in the District Court. The record below consists of thousands of pages of documents which have required a substantial amount of time to review in preparing the opening brief and appendix.

2. Counsel for APCO was only recently able to obtain NRCP 54(b) certification of the District Court's December 29, 2017 order on summary judgment and perfect this appeal, which helped to clarify and narrow the issues to be set forth in this appeal and the volume of documents to be included in the appendix. However, the previous uncertainty of this Court's jurisdiction caused an unexpected delay in the completion of APCO's opening brief and appendix.

3. Counsel has worked diligently to prepare APCO's opening brief, but, in order to concisely present the complexity of the record and the issues in this case, APCO will need the additional time to complete the opening brief and circulate a draft to all counsel and the client.

4. The additional time will also allow any requested revisions to be incorporated into APCO's opening brief prior to finalization and submission to this Court for filing.

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Therefore, APCO respectfully requests that this Court grant its motion and extend the deadline for its opening brief and appendix until October 1, 2018. This Motion is submitted in good faith and for good cause shown in accordance with NRAP 31(b).

Dated this 30th day of August, 2018.

MARQUIS AURBACH COFFING

By /s/ Tom W. Stewart

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX** was filed electronically with the Nevada Supreme Court on the 30th day of August, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jorge Ramirez, Esq.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Leah Dell

Leah Dell, an employee of
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