

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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Nov 13 2018 03:11 p.m.
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
RESPONSE TO ORDER TO SHOW CAUSE
(First Written Request)

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MAC:05161-019 3575661_1

MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO ORDER TO SHOW CAUSE
(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 26(b)(1) for a 30-day extension of time to file its response to this Court’s order to show cause.

APCO’s response was originally due November 5, 2018. This Court granted a 14-day telephonic extension on October 24, 2018, making APCO’s response currently due on November 19, 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 December 19, 2018. Good cause exists for allowing APCO to extend the filing deadline until December 19, 2018:

1. The underlying litigation involves approximately 90 parties bringing hundreds of claims, cross-claims, counterclaims, third-party claims, and claims in intervention, throughout 16 consolidated cases, spanning over a decade in the district court and this Court. The record below consists of thousands of pages of documents which have required a substantial amount of time to review and summarize in preparing the response.

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2. Counsel has worked diligently to prepare APCO's response, but, in order to concisely address this Court's concerns in the order to show cause, especially in light of the complexity of the record and the sheer number of claims and parties in this case, APCO will need the additional time to complete the response and circulate a draft to all counsel and the client.

3. The additional time will also allow any requested revisions to be incorporated into APCO's response 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 response to this Court's order to show cause to December 19, 2018. This Motion is submitted in good faith and for good cause shown in accordance with NRAP 26(b)(1).

Dated this 13th day of November, 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 RESPONSE TO ORDER TO SHOW CAUSE** was filed electronically with the Nevada Supreme Court on the 13th day of November, 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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