

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

APPELLANT'S MOTION TO POSTPONE ORAL ARGUMENT

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Attorneys for Appellant, APCO Construction, Inc.

Pursuant to NRAP 34(a), Appellant, APCO Construction, Inc., moves this Court to postpone and continue the Panel oral argument currently scheduled for June 11, 2020, at 10:00 a.m., in Las Vegas.

Per the Court's May 14, 2020, Order Regarding Oral Argument, it is feasible that oral argument will be held via videoconference due to the ongoing concerns with the Covid-19 pandemic. In light of the current state of the Governor's emergency orders, the various administrative orders of the courts, and the number of unknowns that stand in the way of business returning to normal, APCO anticipates that in-person arguments are unlikely to be an option within the next month. At the same time, preparation for argument is more cumbersome than comparable, past cases because of restrictions and safety measures that apply to Nevada businesses, including law firms.

Given the current uncertainty and the limitations of videoconferencing, APCO respectfully submits that it would be best to postpone the June 11th argument until the Court permits in-person arguments, preferably as soon as possible in the Court's Las Vegas location.¹ After all, while the technology that

¹ Counsel and the parties are primarily located in Las Vegas. Although counsel for APCO will certainly travel to Carson City if necessary, Marquis Aurbach Coffing, has implemented 14-day quarantine policy for employees who travel via airplane. So, the prospect of a 14-day quarantine or 14 hours of driving (7 hours each way) is less than ideal.

allows for video oral arguments is remarkable, technology is no substitute for an in-person discussion, especially when multiple people are actively participating. Based on counsel's experience the last two months, APCO also has concerns with the risk of technological glitches that could distract from the important questions that the Justices may have and the discussion relevant to this case.

Accordingly, while APCO appreciates that no one really knows how the Covid-19 pandemic will unfold in the next month, APCO respectfully submits that oral argument should be postponed and rescheduled as soon as it is safe for the Court to hold in-person oral arguments.

This request is made in good faith with the intent of maximizing the value of oral argument for the Court and all parties involved. Because the instant case is civil in nature and on appeal following a final judgment granting summary judgment, the instant request will not cause prejudice to either party.

Dated this 19th day of May, 2020.

MARQUIS AURBACH COFFING

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPELLANT'S MOTION TO POSTPONE VIDEO ORAL ARGUMENT HEARING DATE** was filed electronically with the Nevada Supreme Court on the 19th day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I-Che Lai
Jorge Ramirez

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

N/A

/s/ Kim Dean
an employee of Marquis Aurbach Coffing