

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTEMIS EXPLORATION
COMPANY, a Nevada corporation,
HAROLD WYATT, and MARY
WYATT, individuals,

Appellants,

vs.

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Respondent.

Case No. 75323

District Court Case No. CV-C-12-175

Electronically Filed
Aug 30 2018 02:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Fourth Judicial District Court, Department 2
The Honorable Alvin R. Kacin, District Court Judge
District Court Case No. CV-C-12-175

**RESPONDENT'S MOTION FOR ADDITIONAL TIME TO FILE
ANSWERING BRIEF**

Pursuant to NRAP 27 and 31(b)(3), Respondent Ruby Lake Estates Homeowner's Association ("RLEHOA") moves for an extension of time of 30 days to file its Answering Brief. This is RLEHOA's first request for an extension of time to file its Answering Brief.

The Answering Brief is currently due September 6, 2018. If this motion is granted, the Answering Brief will be due Monday October 8, 2018.

RLEHOA worked with Appellants for a stipulation for additional time to file the Answering Brief. The parties, however, have not been able to come to an agreement. RLEHOA, therefore, files the instant motion for additional time.

MEMORANDUM OF POINTS AND AUTHORITIES

The instant appeal involves the Uniform Common-Interest Ownership Act ("UCIOA"), which the Nevada legislature adopted in the form of Chapter 116 of the Nevada Revised Statutes in 1991. A number of amendments to various sections of Chapter 116 of the Nevada Revised Statutes have been raised by Appellants as issues in this matter, all of which require analysis and response.

RLEHOA requests additional time in which to file its Answering Brief because its counsel has had other briefing deadlines and currently has an extremely busy litigation calendar in Nevada state and federal courts including scheduled hearings, pre-trial conference matters, early case conference deadlines and reporting, and ongoing discovery deadlines. There are only two attorneys in the Reno office both with extremely busy practices.

Additionally, on August 2, 2018, the Nevada Supreme Court in *SFR Investments Pool 1, LLC v. Bank of New York* answered the following certified question posed to it from the United States District Court for the

District of Nevada: "[w]hether NRS § 116.311681(1)'s incorporation of NRS § 107.090 required a homeowner's association to provide notices of default and/or sale to persons or entities holding a subordinate interest even when such persons or entities did not request notice, prior to the amendment that took effect on October 1, 2015." 134 Nev. Advance Opinion 58 (Aug. 2, 2018). Pending the Nevada Supreme Court's decision in *SFR Investments Pool 1, LLC*, a number of the NRS Chapter 116 super priority lien cases which are being handled by undersigned counsel were stayed. With this recent decision, these stayed cases have now been reopened necessitating reevaluation, filing of joint status reports, follow up conferences with counsel, and rescheduling of discovery and dispositive motion deadlines.

The request for an additional 30 days should be ample time. For these reasons, RLEHOA respectfully requests an additional 30 days to file its Answering Brief.

DATED this 30th day of August 2018.

KERN & ASSOCIATES, LTD.



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Attorneys for Respondent

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I certify that I am an employee of the law firm of Kern & Associates, Ltd., and that on this day I served the foregoing document described as ***RESPONDENT'S MOTION FOR ADDITIONAL TIME TO FILE ANSWERING BRIEF*** on the parties set forth below, at the address listed below by:

X

Placing an original or true copy thereof in a sealed envelope place for collection and mailing in the United States Mail, at Reno, Nevada, first-class mail, postage paid, following ordinary business practices, addressed to:

Travis W. Gerber, Esq.
Zachary A. Gerber, Esq.
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801

X

Electronic notification will be sent to the following:

Travis W. Gerber, Esq.
Gayle A. Kern, Esq.

DATED this 30th day of August 2018.



TERESA A. GEARHART