

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.

Electronically Filed
Dec 19 2019 03:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 75323

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

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
ANSWER TO PETITION FOR REHEARING**

Pursuant to NRAP 27 and 31(b)(3), Respondent Ruby Lake Estates Homeowner's Association ("RLEHOA") moves for an extension of time of twenty (20) days to file its *Answer* to Appellants' Petition for Rehearing ("Petition"). This is RLEHOA's first request for an extension of time to file its *Answer*.

On October 3, 2019, the Court entered its decision in favor of RLEHOA and against Appellants, affirming the district court's entry of

summary judgment that RLEHOA is a valid common interest community association under NRS Chapter 116 authorized to impose assessments. *Artemis Exploration Company, et al. v. Ruby Lake Estates Homeowners Assoc.*, 135 Nev. Adv. Op. 48 (2019). Thereafter, on October 21, 2019, Appellants filed their Petition.

On December 19, 2019, the Court issued its Order Directing Answer to Petition for Rehearing (“Order Directing Answer”). Per the Court’s Order Directing Answer, RLEHOA has until Thursday, January 2, 2020 to file its *Answer* to the Petition. RLEHOA respectfully requests an additional 20 days to file its *Answer* to the Petition up to and including Wednesday, January 22, 2020.

MEMORANDUM OF POINTS AND AUTHORITIES

NRAP 27 and NRAP 31(b)(3) set forth the process for requests for extensions of time with the Court. In accord with these Rules, RLEHOA files this motion for additional time in which to file its *Answer* in light of undersigned counsel’s previously scheduled time away from the office during the upcoming holidays. Additionally, numerous holiday time-off requests were also pre-approved for staff at counsel’s office, which further limits RLEHOA’s counsel from adequately evaluating and preparing an *Answer* on or before the January 2, 2020 deadline.

RLEHOA respectfully submits that its Motion for Additional Time to File Answer to Petition is made in good faith. An additional 20 days to file its *Answer* will provide counsel for RLEHOA ample time for proper review and evaluation of the Petition. For these reasons, RLEHOA respectfully requests an additional 20 days to file its *Answer* to the Petition for Rehearing up to and including Wednesday, January 22, 2020.

DATED this 19th day of December 2019.

**LEACH KERN GRUCHOW
ANDERSON SONG**

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I certify that I am an employee of the law firm of Leach Kern Gruchow Anderson Song and that on this day I served the foregoing document described as ***RESPONDENT'S MOTION FOR ADDITIONAL TIME TO FILE ANSWER TO PETITION FOR REHEARING*** on the parties set forth below, at the address listed below by:

- 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:

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

- Electronic notification will be sent to the following:

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

DATED this 19th day of December 2019.

/s/ Alexandria Woods
ALEXANDRIA WOODS