

**IN THE SUPREME COURT OF  
THE STATE OF NEVADA**

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MICHAEL KOSOR JR., A NEVADA  
RESIDENT,

Appellant,

vs.

OLYMPIA COMPANIES, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND GARRY V. GOETT,  
A NEVADA RESIDENT,

Respondents.

Electronically Filed  
Supreme Court No. 75669 2019 01:42 p.m.  
Elizabeth A. Brown  
District Court Case No. A-17-76297 Clerk of Supreme Court

**APPELLANT MICHAEL KOSOR JR.'S  
MOTION TO EXTEND TIME TO  
SUBMIT OPENING BRIEF AND  
APPENDIX (SECOND REQUEST)**

Appellant, MICHAEL KOSOR JR., by and through his attorney, Wililam H. Pruitt, Esq., of the law firm of BARRON & PRUITT, LLP, hereby moves this Court for an Order extending the time for Appellant to file his Opening Brief and Appendix by 30 days pursuant to Rule 31(b)(3) of the Nevada Rules of Appellant Procedure. This is Appellant's second requested extension of time to file his Opening Brief. The Court previously approved a first request made by stipulation to extend the time for filing Appellants' Opening Brief and Appendix until January 9, 2019. Accordingly, no prior requests have been denied or denied in part.

This Motion is supported by the attached Memorandum of Points and Authorities as well as the records, pleadings, and papers on file herein and any other

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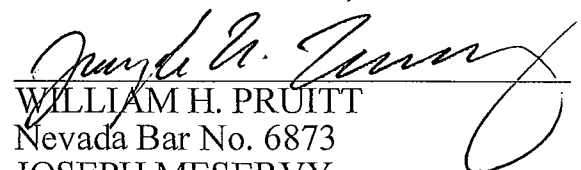
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evidence and oral argument this Court may entertain at the hearing of this Motion.

DATED this 4<sup>th</sup> day of January, 2019.

BARRON & PRUITT, LLP

  
WILLIAM H. PRUITT

Nevada Bar No. 6873

JOSEPH MESERVY

Nevada Bar No. 14088

3890 West Ann Road

North Las Vegas, Nevada 89031

Phone: (702) 870-3940

Fax: (702) 870-3950

Email: [bpruitt@lvnlaw.com](mailto:bpruitt@lvnlaw.com)

Email: [jmeservy@lvnlaw.com](mailto:jmeservy@lvnlaw.com)

*Attorneys for Appellant Michael  
Kosor Jr.*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. PREFATORY STATEMENT/STATEMENT OF FACTS**

Appellant filed his Notice of Appeal with the district court on April 19, 2018 and with the Supreme Court of Nevada on April 26, 2018. On April 26, 2018, the Supreme Court of Nevada referred the case to the Settlement Program. On May 1, 2018, the parties were notified that the case had been accepted into the Settlement Program. Thereafter, the parties participated in an in-person settlement conference on August 2, 2018, but were unable to achieve settlement.

A subsequent settlement program status report was filed on September 7, 2018. The Settlement Program judge notified this Court of the unsuccessful conference and this Court ordered on September 11, 2018 that Appellant's Opening Brief and Appendix were due 90 days thereafter, on Monday, December 10, 2018.

On December 7, 2018, Appellant filed a stipulation and order to extend time to submit opening briefs and appendixes. The Court approved the order and

extended the time for filing Appellants' Opening Brief and Appendix until Wednesday, January 9, 2019. To date, no previous request for extension of time has been denied or denied in part.

Despite the best efforts of Appellant's counsel, Appellant requires additional time to file his Opening Brief and Appendix, and requests an extension of 30 days—until Friday, February 8, 2019—to do so. Appellant's counsel, William H. Pruitt, Esq., was out of state for an extended period over the holidays.

Appellant's other counsel, Joseph Meservy, recently experienced illness in his family which interrupted the time he could dedicate to this matter, in addition to time spent away from the office during the holiday season.

Accordingly, Appellant respectfully requests a 30-day extension of time—until Friday, February 8, 2019—to file his Opening Brief and Appendix.

## **II. LEGAL ARGUMENT**

Pursuant to NRAP 26(b)(1), the Court may upon motion enlarge the time prescribed “to perform any act” by its order on a showing of good cause. NRAP 31(b), the rule governing extensions of time for filing briefs requires that the request be made no later than the due date of the brief.

Here, Appellant's Opening Brief and Appendix must be filed by Wednesday, January 9, 2019. However, Appellant is unable to meet that deadline and good cause exists for granting a 30-day extension. Specifically:

1. Multiple holidays have interfered with and consumed time set aside for counsel for Appellant to prepare the aforementioned Opening Brief and Appendix.
2. Appellant's counsel, William H. Pruitt, went out of state for the holidays, which interrupted the time he could dedicate to the matter.
3. Appellant's other counsel, Joseph Meservy, recently experienced illness in his family which also interrupted the time he could spend working on

this matter, in addition to time spent away from the office during the holiday season.

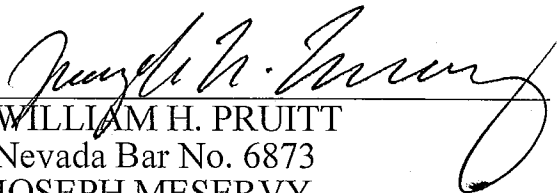
Permitting Appellant's counsel additional time to review the record—and draft and revise the Opening Brief and Appendix constitutes good cause for an extension of time under NRAP 26(b) and 31(b). Appellant does not seek this extension in bad faith or to delay the proceedings. On that basis, Appellant respectfully requests an extension of 30 days until Friday, February 8, 2019 to submit his Opening Brief and Appendix.

### **III. CONCLUSION**

Based on the foregoing, Appellant respectfully requests that this Court extend the time for Appellant to submit his Opening Brief and Appendix by 30 days to Friday, February 8, 2019.

DATED this 4<sup>th</sup> day of January, 2019.

BARRON & PRUITT, LLP



WILLIAM H. PRUITT

Nevada Bar No. 6873

JOSEPH MESERVY

Nevada Bar No. 14088

3890 West Ann Road

North Las Vegas, Nevada 89031

Phone: (702) 870-3940

Fax: (702) 870-3950

Email: [bpriitt@lvnvlaw.com](mailto:bpriitt@lvnvlaw.com)

Email: [jmeservy@lvnvlaw.com](mailto:jmeservy@lvnvlaw.com)

*Attorneys for Appellant Michael*

*Kosor Jr.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4<sup>th</sup> day of January 2019, I served the foregoing **APPELLANT MICHAEL KOSOR JR.'S MOTION TO EXTEND TIME TO SUBMIT OPENING BRIEF AND APPENDIX (SECOND REQUEST)** upon all counsel of record:

☒ By electronically filing and serving the document(s) listed above with the Nevada Supreme Court: or

☐ By personally serving it upon him/her: or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es).

J. Randall Jones, Esq.  
Nate Rulis, Esq.  
KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Pkwy, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
*Attorneys for Respondents Olympia Companies, LLC and Garry V. Goett*

/s/ MaryAnn Dillard  
\_\_\_\_\_  
An Employee of BARRON & PRUITT,  
LLP