

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

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 04:26 p.m.
Elizabeth A. Brown
District Court Case No. ~~75669~~ Clerk of Supreme Court

**APPELLANT MICHAEL KOSOR JR.'S
MOTION TO EXTEND TIME TO
SUBMIT REPLY BRIEF (FOURTH
REQUEST)**

Appellant, MICHAEL KOSOR JR., by and through his attorney, William 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 Reply Brief by 4 days pursuant to Rule 31(b)(3) of the Nevada Rules of Appellant Procedure. This is Appellant's fourth requested extension of time to file his Reply Brief. The Court previously approved both a first request made by stipulation of the parties and a second request made by motion to extend the time for filing Appellants' Reply Brief until July 29, 2019. A third request, seeking a ten-day extension is still pending before the Court. 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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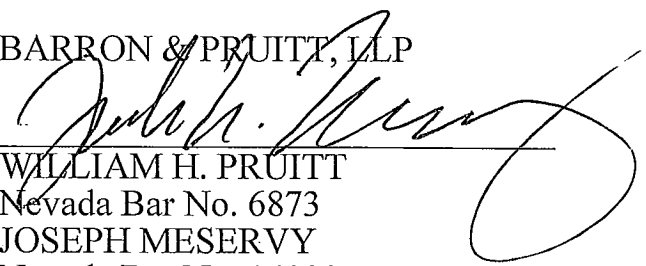
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evidence and oral argument this Court may entertain at the hearing of this Motion.

DATED this 8th day of August, 2019.

BARRON & PRUITT, LLP



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MEMORANDUM OF POINTS AND AUTHORITIES

I. PREFATORY STATEMENT/STATEMENT OF FACTS

Appellant's Opening Brief was filed on February 12, 2019. Respondents' Answering Brief was filed on April 25, 2019. On May 24, 2019, Appellant filed a stipulation and order to extend time to submit his Reply Brief. The Court approved the order and extended the time for filing Appellant's Reply Brief until Thursday, June 27, 2019.

On June 26, 2019, Appellant filed a motion to extend time to submit his Reply Brief. The Court granted the motion and extended the time for filing Appellant's Reply Brief until Monday, July 29, 2019.

On July 26, 2019, Appellant filed a motion to extend time to submit his Reply Brief, asking for a ten-day extension through August 8, 2019. That motion is still pending before the Court. 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 Reply Brief and requests an extension of 4 days—until Monday, August 12, 2019—to do so. Appellant's counsel underestimated the length of the extension they would need when they requested an extension through August 8, 2019. Additionally, family vacation and back to school schedules have affected the amount of time that Appellant's counsel have been able to apply to this case.

Accordingly, Appellant respectfully requests an additional 4-day extension of time—until Thursday, August 12, 2019—to file his Reply Brief.

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 Reply Brief was due by Monday, July 29, 2019. However, Appellant was unable to meet that deadline and motioned this Court on good cause for a 10-day extension through August 8, 2019. The Court has not yet ruled on that request. Appellant now requests an additional 4-day extension through August 12, 2019. Good cause exists for such a request, specifically:

1. Appellant's counsel, William H. Pruitt, went out of state to conduct depositions in a complex case, which interrupted the time he could dedicate to the matter.
2. Appellant's other counsel, Joseph Meservy, also went out of state to attend a family gathering, which also interrupted the time he could spend working on this matter.
3. Briefing the extensive factual and legal issues of the subject appeal has necessitated more time than Appellant's counsel originally anticipated when they requested a 10-day extension.

4. Appellant's counsels' respective families' back to school schedules have demanded attention for meetings and preparations for school.

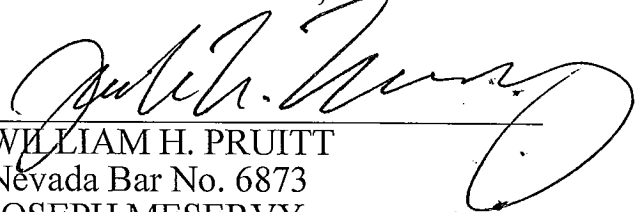
Permitting Appellant's counsel additional time to draft and revise the Reply Brief constitutes good cause for an extension of time under NRAP 26(b) and 31(b). Appellant does not seek this extension in bad faith or to delay the proceedings. On that basis, Appellant respectfully requests an extension of 4 days until Monday, August 12, 2019 to submit his Reply Brief.

III. CONCLUSION

Based on the foregoing, Appellant respectfully requests that this Court extend the time for Appellant to submit his Reply Brief by 4 days to Monday, August 12, 2019.

DATED this 8th day of August, 2019.

BARRON & PRUITT, LLP



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of August 2019, I served the foregoing **APPELLANT MICHAEL KOSOR JR.'S MOTION TO EXTEND TIME TO SUBMIT REPLY BRIEF (FOURTH 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).

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/s/ MaryAnn Dillard

An Employee of BARRON & PRUITT,
LLP