

In the Supreme Court of Nevada

MOTOR COACH INDUSTRIES, INC.,

Appellant,

vs.

A.K. and K.K., minors, by and through their guardian MARIE-CLAUDE RIGAUD; SIAMAK BARIN, as executor of the ESTATE OF KAYVAN KHIABANI, M.D. (decedent); THE ESTATE OF KAYVAN KHIABANI, M.D. (decedent); SIAMAK BARIN, as executor of the ESTATE OF KATAYOUN BARIN, DDS (decedent); and the ESTATE OF KATAYOUN BARIN, DDS (decedent),

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME
TO FILE DOCKETING STATEMENT**

Appellant Motor Coach Industries, Inc. requests an additional 75 days, through September 24, 2018, to file its docketing statement. This is the second such request. Appellant previously obtained a 14-day telephonic extension. The docketing statement originally was due June 25, and without the extension, would be due July 9, 2018. No requests for extension have been denied or denied in part.

An essential purpose of the docketing statement is to demonstrate appellate jurisdiction. Here, there currently are several procedural impediments to this Court's jurisdiction, which likely will be resolved

over the next two months. First, the settling defendants (Michelangelo Leasing, Inc. d/b/a Ryan's Express and Edward Hubbard; Bell Sports, Inc. d/b/a Giro Sport Design; and SevenPlus Bicycles, Inc. d/b/a Pro Cyclery) have not been dismissed from the case. While motions for good faith settlement have been granted as to each of them, no final orders of dismissal have been entered. Second, the district court has yet to rule on three tolling motions. NRAP 4(a)(6). Appellate jurisdiction will be established, however, once the district court formally dismisses the settling defendants and issues rulings on the pending tolling motions. *Id.*

Appellant is optimistic that orders will have been entered by September 24 that both formally dismiss all the claims against the settling defendants and resolve all of the tolling motions. The district court already has taken two of the pending motions under advisement. The third (to alter or amend the judgment to offset settlement proceeds paid by the settling defendants) will be heard on August 28, 2018.¹

¹ The hearing recently was postponed until August 28 to allow time to complete the settlements between plaintiffs and the other defendants, which would simplify the legal issues involved in the offset analysis. Plaintiffs' counsel anticipates that the exchange of settlement funds between plaintiffs and the settling defendants will have occurred before the August 28 hearing.

Appellant then will be able to amend its notice of appeal and complete the docketing statement.

For the sake of this Court's efficiency and economy in conducting its jurisdictional review, appellant requests that the due date for submittal of the docketing statement be extended to September 24, when appellate jurisdiction will be easily demonstrable.

Dated this 9th day of July, 2018.

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CERTIFICATE OF SERVICE

I certify that on July 9, 2018, I submitted the foregoing “Motion for Extension of Time to File Docketing Statement” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

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/s/ Adam Crawford
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