

Alex Ghibaud, Esq.
Bar No. 10592
ALEX B. GHIBAUDO, PC.
703 South 8th St.
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
Email: alex@abgpc.com
Attorney for Appellant

Electronically Filed
Jan 29 2019 11:17 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF NEVADA

YOAV EGOSI,

Case. No.: 76144

Appellant,

Dist. Ct.

Case. No.: D-16-540174-D

vs.

PATRICIA EGOSI,

**MOTION TO EXTEND TIME
TO FILE APPENDIX AND
MOTION TO AMEND THE
OPENING BRIEF TO
PROPERLY REFERENCE
THE APPENDIX**

Respondent.

COMES NOW Yoav Egosi, (“Joe”), through his attorney Alex

Ghibaud, Esq. of Alex B. Ghibaud, PC, and files his motion to extend
time to file an appendix and to amend the opening brief as follows:

Memorandum of Points and Authorities

On September 20, 2018 a separate notice of appeal was filed for the
custody/relocation portion of the appeal. That appeal was seemingly



1 consolidated with the appeal on the order partially invalidating the
2 prenuptial agreement.

3 On November 5, 2018 this Court issued an order reinstating briefing
4 and giving Appellant 60 days to file his opening brief. The order began by
5 stating that “[t]his is an appeal from an order denying appellant’s motion to
6 relocate and from an order partially invalidating the parties’ prenuptial
7 agreement.” The appeal, however, was commenced as an appeal challenging
8 the order partially invalidating the parties’ prenuptial agreement. This order
9 was the first indication Appellant had that the appeals were consolidated.

10 On December 3, 2018, an amended transcript request was filed and
11 subsequently served which included all the dates that are relevant to a
12 determination on appeal of the district court’s orders concerning
13 custody/relocation and the order partially invalidating the prenuptial
14 agreement. Immediately thereafter, on or about December 7, 2018,
15 undersigned counsel became ill. On December 31, 2018 the illness became
16 so serious that undersigned counsel was hospitalized for three (3) days.¹ On
17 January 3, 2018 undersigned counsel was released from the hospital and
18 spent the next two (2) weeks convalescing.

19 _____
20 ¹ To protect undersigned counsel’s privacy, the nature of the illness is
undisclosed but proof of the hospitalization will be transmitted to this Court
upon its request.

As a result, undersigned counsel neglected to transmit the transcript request form to the court clerk, Kim Gurule. This Court subsequently provided the court reporter until January 28, 2019 to provide the transcripts. As of January 18, 2018, the date the opening brief was originally due in this matter, the transcripts, which are considerable (cost of \$1,180.00 for all dates requested) have not been completed. As of January 28, 2019, Kim Gurule, the court reporter, advised undersigned counsel in writing that the transcripts will be ready by February 8, 2019.

As such, the opening brief was (timely) filed without an appendix or reference to the same in the opening brief. Therefore, Joe now requests this Court grant additional time to file the appendix to the opening brief and amend the opening brief accordingly so that those portions of the record mentioned in the opening brief correspond to the correct bates stamp on the appendix.

Legal Analysis

- 1. An extension of time to file the appendix and amend the opening brief to add references to the appendix is warranted due to Undersigned Counsel's sudden and serious illness.**

Under NRAP 26(b)(1)(B), where a 14-day telephonic extension of time is already requested, “[t]he grant of an extension of time to perform an act under this Rule will bar any further motion for additional extensions of

1 time to perform the same act unless such a motion...demonstrates
2 extraordinary and compelling circumstances. Here, a 14-day telephonic
3 extension was requested and granted. Joe is requesting additional time to file
4 a complete appendix and amend the opening brief so that it points to the
5 relevant portions of the record. As indicated above, the opening brief was
6 completed and timely filed. However, the court reporter was given until
7 January 28, 2019 to provide the requested transcripts. That date is 10 days
8 after the due date for the opening brief. As of January 18, 2019, undersigned
9 counsel was informed that the transcripts were not ready.

10 Extraordinary and compelling circumstances exist to warrant an
11 extension of time. As discussed above, undersigned counsel fell ill early in
12 December of 2018, was hospitalized for three (3) days, and recuperated for
13 the next two (2) weeks.² This caused delays that significantly impacted
14 undersigned counsel's ability to meet the timelines and deadlines contained
15 in the Nevada Rules of Appellate Procedure.

16 Undersigned counsel's illness was sudden, unexpected, and serious
17 enough to warrant an extended hospital stay. Therefore, extraordinary and
18 compelling circumstances exist to extend time to file the appendix and
19

20 ² The illness was sudden and serious enough to endanger undersigned
counsel's life.

1 amend the opening brief in such a way that it properly references the
2 appendix. Undersigned counsel estimates that the appendix can be
3 completed by January 28, 2018, the date the court reporter was given to file
4 her court reporter certificate.

5 **Conclusion**

6 Undersigned Counsel's sudden illness and hospitalization constitute
7 compelling and extraordinary circumstances justifying an extension of time
8 to prepare and file the appendix and amend the opening brief to include
9 references to the appendix. Undersigned Counsel's estimates an additional
10 two (2) weeks is enough time to perfect this appeal.

11 DATED this 28th day of January, 2018.

12 /s/ Alex Ghibaud

ALEX B. GHIBAUDO, Nevada Bar No. 10592

ALEX B. GHIBAUDO, PC

703 S. 8th Street

Attorney for Appellant



1
2
3 **CERTIFICATE OF SERVICE**
4

5 Pursuant to NRAP 25, on January 28th, 2019 APPELLANT'S
6 MOTION TO EXTEND TIME TO FILE AN APPENDIX AND AMEND
7 THE OPENING BRIEF was served upon each of the parties to appeal 76144
8 via electronic service through the Supreme Court of Nevada's electronic
9 filing system.
10

11
12 /s/ Joslyne Simmons

13 An Employee of ALEX B. GHIBAUDO, P.C.
14
15
16
17
18
19
20