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Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Appellant

IN THE SUPREME COURT FOR THE STATE OF NEVADA

JEFFREY D. SPENCER,

Appellant,

v.

HELMUT KLEMENTI, EGON
KLEMENTI, ELFRIEDE KLEMENTI,
MARY ELLEN KINION, ROWENA
SHAW, and PETER SHAW,

Respondents.

Case No. 77086

MOTION TO EXTEND TIME TO FILE OPENING BRIEF

Pursuant to Nevada Rule of Appellate Procedure 26(b)(2), appellant Jeffrey Spencer hereby moves for additional time to file an opening brief for 30 days after the lodging of transcripts requested or a decision on the motion to consolidate, whichever is later. The original deadline to file is Tuesday, January 22, 2019. Spencer seeks an extension to allow for the filing of transcripts that were requested and for the Court to consider a motion to consolidate appeals filed concurrently herewith. This is the

first extension of time requested. The additional time is necessary because despite requesting three transcripts and serving those requests on the department in Douglas County District Court, Spencer has only obtained one transcript, which was made from a JAVS recording upon Spencer's requests. The transcripts from hearing attended by a court reporter have not yet been lodged, and those transcripts are necessary for the consideration of the appeal.

Additionally, Spencer has sought consolidation of this appeal (Case No. 77086) with the appeal from the award of attorneys' fees in the same district court action (Case No. 77711). Because the appeals are based on the same operative facts and rely on the same transcripts, consolidation serves judicial economy and would allow the filing of only one set of briefs. Until the Court decides the motion to consolidate, briefing would be premature.

For the foregoing reasons, Spencer requests that the Court grant an extension of 30 days from the lodging of the requested transcripts or a decision on the motion to consolidate, whichever is later.

DATED this 19th day of January, 2019.

DOYLE LAW OFFICE, PLLC

By: /s/ Kerry S. Doyle
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Doyle Law Office, PLLC and that on the 19th day of January, 2019, a true and correct copy of the above **MOTION TO EXTEND TIME TO FILE DOCKETING STATEMENT** was e-filed and e-served on all registered parties to the Nevada Supreme Court's electronic filing system as listed below:

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DATED this 19th day of January, 2019.

/s Kerry S. Doyle
Kerry S. Doyle