

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER GARDNER AND CHRISTIAN)
GARDNER, INDIVIDUALLY AND ON)
BEHALF OF THEIR MINOR CHILD,)
LELAND GARDNER,)
Appellants,)
v.)
R & O CONSTRUCTION, INC.,)
Respondent.)

Case No.: 77261

Electronically Filed
Jan 07 2019 04:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**AFFIDAVIT OF JEFFREY S. VAIL IN SUPPORT OF RESPONDENT'S UNOPPOSED
MOTION FOR LEAVE TO FILE LATE OPENING RESPONSE BRIEF**

I, JEFFREY S. VAIL, ESQ., under penalty of perjury, declare and say:

1. I am an attorney with the law firm of GODFREY JOHNSON and have personal knowledge of the facts and am competent to testify to the matters stated herein.

2. GODFREY JOHNSON represents Respondent R&O Construction, Inc. in the above-captioned matter.

3. I now realize that R&O's Response Brief was due on January 3, 2019, but until notified of the filing's rejection on January 7, 2019 sincerely believed it was actually due on January 4, 2019.

4. I filed R&O's Response Brief with the Supreme Court of the State of Nevada on January 4, 2019, believing and intending that this filing was on time, and with no intent to delay these proceedings.

5. The morning of January 7, 2019, upon learning of the rejection of R&O's Response Brief as filed on January 4, 2019, I sent a courtesy copy of R&O's brief via email

to counsel for Appellants Philip Erwin top ensure Appellants would have access to R&O's arguments with as little delay as possible.



Jeffrey Vail, Esq.
9557 S. Kingston Court
Englewood, Colorado 80112
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Facsimile: 303-228-0701

SUBSCRIBED and SWORN to before
Me this 7th day of January, 2019.



NOTARY PUBLIC

MEGAN RETTIG-BROOKS Notary Public State of Colorado Notary ID # 20184035766 My Commission Expires 09-10-2022
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