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Tracie K. Lindeman
Clerk of Supreme Court

7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 JUDY PALMIERI,
10 Appellant,
11

Sup. Ct. No.: 65143

12 v.

13 CLARK COUNTY, a political subdivision
of the STATE OF NEVADA; DAWN
STOCKMAN, CE096, individually and in
14 her official capacity as an officer employed
by the County of Clark; JOHN DOES I
15 through X, inclusive and ROE
CORPORATIONS I through X, inclusive.
16

17 Respondents.
18 _____ /

19 **MOTION FOR EXTENSION OF TIME TO FILE**

20 **APPELLANT'S OPENING BRIEF AND THE APPENDIX**

21 COMES NOW, Appellant JUDY PALMIERI, by and through her counsel
22 of record CAL J. POTTER, III., ESQ, and C. J. POTTER, IV, ESQ, and requests
23 an extension of ninety (90) days up to and including Tuesday, November 25, 2014,
24 within which to file her Opening Brief and the Appendix, which currently are due
on Wednesday, August 27, 2014.

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1 Appellant brings this motion pursuant to NRAP 26(b), 27(b), and 31(b)(3).
2 This is Appellant's first request for an extension. This request is based on the
3 papers and pleadings on filed herein, the points and authorities submitted
4 herewith, and the following Affidavit of Cal J. Potter, III, Esq.

5 DATED this 25 day of August, 2014.

6 POTTER LAW OFFICES

7
8 By 
9 CAL J. POTTER, III, ESQ.
10 Nevada Bar No. 1988
11 C. J. POTTER, IV, ESQ.
12 Nevada Bar No. 13225
13 1125 Shadow Lane
14 Las Vegas, Nevada 89102
15 Attorneys for Appellant

12 **AFFIDAVIT OF CAL J. POTTER, III, ESQ., ESQ.**

13 **IN SUPPORT OF MOTION**

14 STATE OF NEVADA)
15 COUNTY OF CLARK) ss.

16 CAL J. POTTER, III, ESQ., being first duly sworn upon oath, deposes and
17 states:

- 18 1. Your Affiant is the attorney of record on behalf of the Appellant in this
19 matter, and as such, your Affiant is competent to testify as to the matters set
20 forth herein;
- 21 2. That on February 27, 2014, a Notice of Appeal on behalf of the Appellant
22 was filed in this matter;
- 23 3. That your Affiant is responsible for drafting the Opening Brief and
24 compiling the Appendix in this matter, which currently are due on
25 Wednesday, August 27, 2014;
- 26 4. That your Affiant is unable to complete the Opening Brief and Appendix in
27 this matter for the following reasons:

28 ...

- 1 a. your Affiant was preparing for trial in the matter *Alizadeh v.*
2 *Riviera*, case no. A-12-660782-C, which was set to begin on
3 Monday, August 25, 2014, but settled just prior thereto;
- 4 b. your Affiant was trying to complete, but requested an extension
5 to Friday, October 24, 2014 of the Opening Brief and Appendix
6 in *Melendez v. State of Nevada*, case no. 65526, which was due
7 on Tuesday, August 26, 2014;
- 8 c. your Affiant must complete the Ninth Circuit Opening Brief
9 and Excerpt of Record in *Morales v. City of North Las Vegas*,
10 case no. 14-15746, which was already extended to Tuesday,
11 August 27, 2014;
- 12 d. your Affiant will be preparing for trial in the matter *Bullard v.*
13 *Bellagio*, case no. A-11-640310-C, which is scheduled to begin
14 on Monday, September 8, 2014;
- 15 e. your Affiant must complete a Reply Brief in the Ninth Circuit
16 case *Olsen v. Boulder City*, case no. 14-15620, which is due on
17 September 19, 2014;
- 18 f. your Affiant has a Reply Brief due on October 8, 2014 in
19 *Friedman v. State of Nevada*, case no. 63867;
- 20 g. your Affiant has a Reply Brief in *Morales* and an Answering
21 Brief in *State of Nevada v. Scafidi*, case no. 66031 due on
22 October 10, 2014;
- 23 h. your Affiant has a trial scheduled to begin on Monday, October
24 13, 2014 in *Wallace v. LVMPD, et al.*; and
- 25 i. your Affiant must attend to other deadlines, hearings, and
26 matters that are part of his daily work-load.

27 ...

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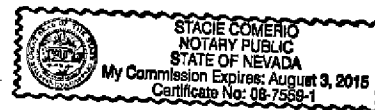
- 1 5. That for the reasons stated above, your Affiant is requesting an additional
2 ninety (90) days in which to file the Opening Brief and Appendix in this
3 matter up to and including Tuesday, November 25, 2014;
4 6. That this is the first request for extension and your Affiant files this
5 enlargement of time in good faith and not for the purposes of delay.
6 7. Further Affiant Sayeth Naught.

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CAL J. POTTER, III, ESQ.

SUBSCRIBED and SWORN to before
me this 25th day of August, 2014.

NOTARY PUBLIC



MEMORANDUM OF POINTS AND AUTHORITIES

I.

FACTS

Petitioner-Appellant's Opening Brief currently is due on Wednesday, August 27, 2014. Counsel requests an extension of ninety (90) days in which to file the Opening Brief and Appendix in this matter up to and including Tuesday, November 25, 2014. The additional time is necessary as outlined in the Affidavit, specifically because Plaintiff's counsel has a two (2) upcoming trials and multiple brief, some of which have already been extended.

II.

ARGUMENT

NRAP 31(b)(3) governs motions for extension of time and provides as follows:

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

1 (A) Contents of Motion. A motion for extension of time
2 for filing a brief shall include the following:

3 (i) The date when the brief is due;

4 (ii) The number of extensions of time previously
5 granted (including a 5-day telephonic extension),
6 and if extensions were granted, the original date
7 when the brief was due;

8 (iii) Whether any previous requests for extensions
9 of time have been denied or denied in part;

10 (iv) The reasons or grounds why an extension is
11 necessary; and

12 (v) The length of the extension requester and the
13 date on which the brief would become due.


14 **III.**

15 **CONCLUSION**

16 For the reasons stated, and in accordance with NRAP 31(b)(3), the
17 Appellant respectfully requests an extension of ninety (90) days to file the
18 Opening Brief and Appendix, through and including Tuesday, November 25,
19 2014.

20 DATED this 25 day of August, 2014.

21 POTTER LAW OFFICES

22 By 
23 CAL J. POTTER, III, ESQ.
24 Nevada Bar No. 1988
25 C. J. POTTER, IV, ESQ.
26 Nevada Bar No. 13225
27 1125 Shadow Lane
28 Las Vegas, Nevada 89102
Attorneys for Appellant

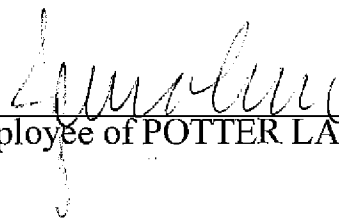
1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that pursuant to NRAP 25(1)(d) on the 25 of
3 August, 2014, I did serve at Las Vegas, Nevada a true and correct copy of
4 **MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S**
5 **OPENING BRIEF AND THE APPENDIX**, on all parties to this action by:

- 6 ☐ Facsimile
7 ☐ U.S. Mail
8 ☐ Hand Delivery
9 ☒ Electronic Service

10 Addressed as follows:

11 Steven B. Wolfson, District Attorney
12 Matthew J. Christian, Deputy District Attorney
13 500 South Grand Central Parkway
14 P. O. Box 552215
15 Las Vegas, NV 89155-2215
16 Ph: (702) 455-4761
17 Fax: (702) 382-5178

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Employee of POTTER LAW OFFICES