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9 *d/b/a Wynn Las Vegas*

Electronically Filed
Sep 26 2017 11:14 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

11
12 WYNN LAS VEGAS, LLC,
13 Appellant/Cross-Respondent,
14
15 v.
16 YVONNE O'CONNELL,
17 Respondent/Cross-Appellant.

Supreme Court Case No. 70583
Consolidated with Case No. 71789

District Court Case No. A655992

APPELLANT/CROSS-RESPONDENT'S
UNOPPOSED MOTION TO
CONTINUE DEADLINE TO FILE ITS
COMBINED REPLY AND
ANSWERING BRIEF

(Second Request)

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19 The underlying case involves Respondent/Cross-Appellant Yvonne O'Connell's
20 ("O'Connell") alleged slip and fall accident at Appellant/Cross-Respondent Wynn Las Vegas,
21 LLC's ("Wynn") Las Vegas resort on February 8, 2010. The parties' jury trial went forward
22 November 4, 2015, through November 15, 2015. At the conclusion of the trial, O'Connell was
23 awarded damages for past and future pain and suffering in the total amount of \$240,000.00.
24 O'Connell was also awarded pre-judgment interest in the sum of \$17,190.96, increasing the total
25 judgment to \$257,190.96.

26 Following denial of Wynn's post-trial motions, Wynn filed its Notice of Appeal on June 8,
27 2016; Case No. 70583 (the "First Appeal"). The parties' completed their mandatory Supreme
28

1 Court settlement conference on August 30, 2016. Pursuant to this Court's Order Reinstating
2 Briefing, Wynn's Opening Brief was due December 5, 2016.

3 On November 21, 2016, the parties filed a Joint Motion to Continue Deadline for Opening
4 Brief ("Joint Motion"). As the parties stated in their Joint Motion, the extension was sought in
5 order to provide sufficient time for the parties to move forward with consolidating a related
6 appeal. That related appeal is O'Connell's appeal of the District Court's November 9, 2016, Order
7 "Partially Granting and Partially Denying Defendant's Motion to Retax Costs and Plaintiff's
8 Motion to Tax Costs and for Fees, Costs and Post-Judgment Interest" (the "Costs and Fees
9 Order"). O'Connell filed her Notice of Appeal of the Costs and Fees Order on November 17,
10 2016, and a Case Appeal Statement that same day; Case No. 71789 (the "Second Appeal"). On
11 December 1, 2016, the Court issued an Order exempting the Second Appeal from the Settlement
12 Program.

13 On January 13, 2017, the parties filed a Joint Motion to Consolidate. The Joint Motion
14 was granted by this Court in an Order entered January 24, 2017 ("Consolidation Order"). In the
15 Consolidation Order, the Court set the deadline for Wynn's Opening Brief as March 31, 2017,
16 which the Court later granted an extension. On May 1, 2017, Wynn filed its Opening Brief.
17 O'Connell filed her combined Answering and Opening Brief on July 31, 2017. On August 28,
18 2017, the parties submitted a stipulation moving the deadline for Wynn's combined Reply Brief
19 and Answering Brief to September 29, 2017.

20 While Wynn had anticipated filing by this date, conflicts arose which necessitate this
21 request. In particular, the undersigned counsel was preparing for arbitration in another unrelated
22 matter and is working on briefing in another matter pending before this Court (Case No. 71166).
23 In addition, conflicts with the schedule of the undersigned counsel have arisen necessitating this
24 Motion.

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In light of this, Wynn respectfully requests that its deadline for the combined Reply Brief and Answering Brief be continued by 14 days, until October 13, 2017. Counsel for O'Connell have confirmed that they have no objection to this request. Therefore, Wynn respectfully requests that its deadline be continued.

DATED this 26th day of September, 2017.

SEMENZA KIRCHER RICKARD

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee with Semenza Kircher Rickard, and that on the 26th day of September, 2017, I caused to be sent via eFlex's online filing system, a true copy of the foregoing **APPELLANT/CROSS-RESPONDENT'S UNOPPOSED MOTION TO CONTINUE DEADLINE TO FILE ITS COMBINED REPLY AND ANSWERING BRIEF** via the Nevada Supreme Court's electronic filing system to the following registered persons:

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