

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 80508
Consolidated with Case No. 77320

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Sep 25 2020 04:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

HELIX ELECTRIC OF NEVADA, LLC

Appellant/Cross-Respondent

v.

APCO CONSTRUCTION, INC, A NEVADA CORPORATION,

Respondent/Cross-Appellant.

Appeal from Judgment
Eighth Judicial District Court, Clark County
The Honorable Mark Denton, District Court Judge
District Court Case No. **08A571228**

UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF
Second Request

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UNOPPOSED MOTION

For health reasons, and pursuant to NRAP 31(b)(3), Appellant/Cross-Respondent, Helix Electric of Nevada, LLC (“Helix”) respectfully requests an additional extension of 14 days, or until **October 16, 2020**, to file its consolidated Opening Brief. By previous Order, the consolidated Opening Brief is currently due October 2, 2020. This is Appellant’s second request for an extension of time.

The undersigned counsel for Helix has consulted with counsel for Respondent/Cross-Appellant, APCO Construction, Inc. (“APCO”), Christopher H. Byrd, Esq., who has consented to the requested 14-day extension.

Appellant/Cross-Respondent requires the additional time primarily owing to counsel’s health issues, the details of which the undersigned prefers to keep confidential,¹ that have significantly impacted counsel’s time and ability to dedicate to this and other matters. Counsel nonetheless anticipates being able to complete the Opening Brief no later than October 16, 2020. The Court’s anticipated understanding is greatly appreciated.

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¹ If the Court deems it necessary, Counsel is willing to advise the Court *in camera* or subject to a protective order, as to the specifics of his condition.

CONCLUSION

Based on the foregoing, Helix respectfully requests that the Court extend time for Appellant to file its Opening Brief to **October 16, 2020**.

Dated this 25th day of September, 2020.

PEEL BRIMLEY LLP

/s/ Eric B. Zimbelman

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25(b) and NEFCR 9(f), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 25th day of September, 2020, I caused the above and foregoing document, **MOTION TO EXTEND TIME TO FILE OPENING BRIEF, *Second Request***, to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ pursuant to NEFCR 9, upon all registered parties via the Nevada Supreme Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other _____

to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:

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