

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

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3           HELIX ELECTRIC OF NEVADA,  
4           LLC,

5                   Appellant/Cross-Respondent,

6                   vs.

7           APCO CONSTRUCTION, INC.,

8                   Respondent/Cross-Appellant.

Case No. 77320/80508  
District Court Case No. AS71228

Electronically Filed  
Nov 11 2020 01:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

9           **RESPONDENT/CROSS-APPELLANT APCO CONSTRUCTION, INC.'S**  
10           **MOTION TO EXTEND TIME TO FILE OPENING BRIEF**

11                                   **FIRST REQUEST**

12                                   **FENNEMORE CRAIG, P.C.**

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16                                   -and-

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  Las Vegas, NV 89145

18                   *Attorneys for Respondent/Cross-Appellant APCO Construction, Inc.*

1 **UNOPPOSED MOTION**

2 Pursuant to NRAP 31(b)(3), Respondent/Cross-Appellant APCO  
3 Construction, Inc. (“APCO”) respectfully request an extension of 81 days or  
4 until February, 4, 2021 to file Respondent’s Answering Brief and Cross  
5 Appellant’s Opening Brief (“Brief”). The Brief is currently due November 16,  
6 2020. There have been no prior extension requests.

7 Appellant/Cross-Respondent, Helix Electric of Nevada, LLC Inc.  
8 (“HELIX”), by and through its counsel, Eric B. Zimbleman, Esq., has consented  
9 to the requested extension.

10 This extension is being requested for several reasons. First, the  
11 undersigned’s spouse is currently dealing with medical issues that require his  
12 attention, materially affects and limits his work schedule and may require the  
13 undersigned to be absent from Nevada for a period of time in the upcoming  
14 weeks.. Second, this Court’s recent decision in case no. 75197, *APCO*  
15 *Construction, Inc. v. Zitting Brothers Constr., Inc.*, 136 Nev. Ad. Op. 64, filed  
16 on October 8, 2020 (“Zitting Matter”), may impact the issues in this matter.  
17 Additional time is required for analysis and consideration. Third, the Opening  
18 Brief in this matter is 62 pages long and the appendix consists of more than 120  
19 volumes. Additional time is required to properly analyze and distill the issues to

1 properly respond. Fourth, undersigned counsel has also been retained to file a  
2 Petition for Rehearing in the Zitting Matter that is currently due November 23,  
3 2020, which has occupied a substantial portion of counsel's time since the  
4 issuance of the opinion. Lastly, the undersigned has been retained to file the  
5 Appellant's opening brief in the matter of *APCO Construction, Inc. v. Helix*  
6 *Electric of Nevada, LLC v.* in case number 80017. The opening brief is due  
7 January 6, 2021.

8 **CONCLUSION**

9 Based on the foregoing, APCO respectfully requests that the Court extend  
10 time for Respondent/Cross-Appellant to file their Opening Brief to February 4,  
11 2021.

12 DATED this 11th day of November, 2020.

13 **FENNEMORE CRAIG, P.C.**

14 /s/ Christopher H. Byrd  
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17 *respondent APCO Construction,*  
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