

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

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

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Mar 16 2021 05:06 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.

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

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**UNOPPOSED MOTION TO EXTEND TIME TO FILE CONSOLIDATED  
REPLY TO ANSWERING BRIEF AND ANSWERING BRIEF TO CROSS-  
APPEAL**  
***(First Request)***

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## **UNOPPOSED MOTION**

Pursuant to NRAP 31(b)(3), Appellant/Cross-Respondent, Helix Electric of Nevada, LLC (“Helix”) respectfully requests an extension of 30 days, or until **April 21, 2021**, to file its consolidated Reply to Answering Brief and Answering Brief to Cross Appeal, currently due on March 22, 2021.<sup>1</sup> This is Appellant/Cross-Respondent’s first request for an extension of time to file this brief.

The undersigned counsel for Helix has consulted with counsel for Respondent/Cross-Appellant, APCO Construction, Inc. (“APCO”), Christopher H. Byrd, Esq., who has consented in writing to the requested 30-day extension.

Appellant/Cross-Respondent requires the additional time in part because the two extensions granted to Respondent/Cross-Appellant (which were unopposed) resulted in a due date that unexpectedly<sup>2</sup> coincided with multiple other unexpected caseload demands and a previously-planned family vacation. More substantively, the brief must not only reply to Respondent/Cross-Appellant’s answer to Appellant/Cross-Respondent’s appeal, it will also respond to Respondent/Cross-

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<sup>1</sup> By Order dated February 12, 2021, this court granted Respondent/Cross-Appellant an extension to file its Answering Brief and Opening Brief on Cross-Appeal to February 18, 2021. That brief was timely filed on February 18, 2021. By rule, Appellant/Cross-Respondent’s Reply Brief and Answering Brief on Cross-Appeal is due thirty days thereafter, or March 20, 2021, which is a Saturday. The next judicial day is Monday March 22, 2021.

<sup>2</sup> Appellant/Cross-Respondent had consented to Respondent/Cross-Appellant’s second request with the expectation that an extension of 30 days would likely be granted (as requested). However, the Court reduced the extension to 14 days.

Appellant's Cross-Appeal and the additional issues raised therein. The history, complexity and unique facts and issues present in this appeal and Cross-Appeal require especially careful analysis, deliberation and drafting for which additional time is respectfully requested and appreciated.

### **CONCLUSION**

Based on the foregoing, Helix respectfully requests that the Court extend time for Appellant to file its consolidated Reply to Answering Brief and Response to Opening Brief of Cross-Appeal to **April 21, 2020**.

Dated this 16th day of March, 2021.

**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 16th day of March, 2021, I caused the above and foregoing document, **UNOPPOSED MOTION TO EXTEND TIME TO FILE CONSOLIDATED REPLY TO ANSWERING BRIEF AND ANSWERING BRIEF TO CROSS-APPEAL (*First 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;
- ☐ 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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