

1                   IN THE SUPREME COURT OF THE STATE OF NEVADA

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3                   MICHAEL LUIS COTA,

4                                   Appellant,

5                   vs.

6                   STATE OF NEVADA,

7                                   Respondent.

Electronically Filed  
May 28, 2019 01:05 p.m.  
Supreme Court Nos. 77414 and 77415  
Elizabeth A. Brown  
Clerk of Supreme Court  
Consolidated

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10                   **MOTION FOR THIRD EXTENSION OF TIME**

11                   COMES NOW Appellant, MICHAEL LUIS COTA, by and through his  
12 counsel, JOHN E. MALONE, ESQ., respectfully requests a third extension of time  
13 of 7 days to file the opening brief and appendix. Upon preparing the brief and  
14 appendix over the holiday weekend, counsel realized that the appendix as currently  
15 prepared does not properly contain the sentencing memorandum and motion to  
16 strike that are largely at issue in this appeal. The sentencing memorandum was  
17 initially filed in the ordinary course of procedures; counsel then objected, and the  
18 State later moved to file it under seal. The defense then filed its motion to  
19 strike under seal; therefore, the motion and sealed memorandum must be obtained  
20 from the district court and submitted separately to this court, and adjustments to  
21 correct citations in the brief must be made. NRAP 10. Counsel will file a motion

1 to transmit the motion and the sealed memorandum and for filing under seal in this  
2 court. See, e.g., SRCR 7. As of this morning, May 28, 2019, the current due date,  
3 counsel is working with the district court to obtain the proper access to the  
4 necessary documents but needs a few days to fix the brief and record. Appellant  
5 requests an extension of 7 days to June 4, 2019, to file the opening brief and  
6 appendix and related motions. Appellant apologizes to the court for this  
7 unexpected request for a third extension; it is made in good faith and not for  
8 purposes of delay. See NRAP 31(b)(3)(B).

9 DATED this 28<sup>th</sup> day of May, 2019.

10 By: /s/ John E. Malone  
11 JOHN E. MALONE, ESQ.  
12 Nevada Bar No. 5706  
209 N. Pratt Ave.  
Carson City, NV 89701  
Attorney for **Michael Luis Cota**

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 28<sup>th</sup> day of May, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Douglas County District Attorney's Office  
PO Box 218  
Minden, NV 89423

Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701

DATED this 28<sup>th</sup> day of May, 2019.

SIGNED:           /s/ Kelly Atkinson

Employee of the Law Office of John Malone