

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 78092

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Elizabeth A. Brown
Clerk of Supreme Court

TONOPAH SOLAR ENERGY, LLC,

Appellant,

v.

BRAHMA GROUP, INC.,

Respondent.

Appeal from Judgment
Fifth Judicial District Court
The Honorable Steven Elliott, District Court Judge
District Court Case No. CV 39348

**AGREED MOTION TO STAY OR EXTEND BRIEFING FOR 90 DAYS
OR, IN THE ALTERNATIVE, FOR A 45 DAY EXTENSION TO FILE
THE BRIEF OF RESPONDENT
(*Second Request*)**

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**AGREED MOTION TO STAY OR EXTEND BRIEFING FOR 90 DAYS
OR, IN THE ALTERNATIVE, FOR A 45 DAY EXTENSION TO FILE
THE BRIEF OF RESPONDENT**

With Appellant's agreement, Respondent, Brahma Group, Inc. ("Brahma"), hereby moves the Court for a ninety (90) day extension of the current briefing schedule. Specifically, Brahma proposes (and Appellant, Tonopah Solar Energy, LLC ("TSE") concurs) that the following briefs be due on the following dates:

<u>Brief</u>	<u>Current Due Date</u>	<u>Proposed Date</u>
Brief of Respondent	December 4, 2019	March 3, 2020
Reply Brief of Appellant	Thirty days after Brief of Respondent is filed (on or about January 3, 2020	Thirty days after Brief of Respondent is filed (on or about April 2, 2020

The Parties have re-opened previously dormant settlement discussions and agree that a 90 day stay or extension of the remaining briefing schedule would be useful to that process. Brahma and TSE would like to focus their efforts on a resolution rather than preparing the extensive briefing that is otherwise required.

Alternatively, Brahma requests an extension of 45 days to file the Brief of Respondent. This is Brahma's second request for an extension. Brahma requests 45 days rather than the typical 30 days because of the intervening holidays. If granted, Brahma's request would make its Brief of Respondent due on Monday January 20, 2020 (the 45th calendar day is a Saturday).

TSE filed its Brief of Appellant on October 3, 2019. The Brief of Appellant was initially due on July 30, 2019. By way of stipulation, TSE's deadline was extended to August 29, 2019. TSE then moved to extend its deadline pursuant to NRAP 31(b)(3), which was granted and which moved its deadline to September 12, 2019. On September 12, 2019, TSE again moved the Court for another extension, to

October 3, 2019. TSE has, therefore, requested and received a total of more than 60 days of extensions, to which Brahma stipulated or did not oppose. Brahma's request allows for a few more total days than TSE received, but as noted, this is to account for the holidays and client and counsel unavailability during that time.

Based on the foregoing, Brahma respectfully requests that the Court grant Brahma a stay or extension of the remaining briefing schedule for 90-days as set forth in the table above. Alternatively, Brahma request an extension to file its Brief of Respondent for 45 days - to no sooner than January 20, 2020.

Dated this 25th day of November, 2019.

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 November, 2019, I caused the above and foregoing document, **AGREED MOTION TO STAY OR EXTEND BRIEFING FOR 90 DAYS OR, IN THE ALTERNATIVE, FOR A 45 DAY EXTENSION TO FILE THE BRIEF OF RESPONDENT**, 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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