

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 78256

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Jun 28 2019 05:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TONOPAH SOLAR ENERGY, LLC,

Appellant,

v.

BRAHMA GROUP, INC.,

Respondent.

Petition for Writ of Prohibition, or, Alternatively, Mandamus
Fifth Judicial District Court
The Honorable Steven Elliott, District Court Judge
District Court Case No. **CV 39348**

**MOTION TO PERMIT LATE FILING OF
MOTION TO STAY BRIEFING**

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MOTION TO PERMIT LATE FILING OF
MOTION TO STAY BRIEFING

Real-Party-in-Interest, BRAHMA GROUP, INC. (“Brahma”), hereby moves this Court, to excuse the late filing of Brahma’s Motion to Stay Briefing (“Motion to Stay”). On June 25, 2019, Brahma submitted its Motion to Stay Briefing, which asked the court to stay Brahma’s obligation to file an Answer to the Writ Petition filed by Petitioner Tonopah Solar Energy, LLC (“TSE”) until the United States District Court for the District of Nevada (the “Federal Court”) issues a ruling on competing motions filed there by Brahma and TSE in a closely related action. Alternatively, in the event the Motion is denied, Brahma requested that the Court grant Brahma an additional 30 days after any such denial in which to file its Answer. But for Brahma’s inadvertent failure to adhere to the page limitation rules, the Motion would have been deemed timely filed prior to the deadline for filing Brahma’s Answer to the Writ Petition (June 26, 2019).

The Motion was accepted as Docket 78256, Document 2019-27306. However, on June 26, 2019, the Court issued a Notice of Rejection of Filed Document pursuant to NRAP 27 because Brahma’s Motion was in excess of 10-pages. The undersigned apologizes to the Court for inadvertently failing to comply with the page limitation rule. Rather than file a motion seeking approval to enlarge page limits, Brahma is submitting a revised and condensed version of the Motion to Stay that complies with the page limitations of NRAP 27.

Brahma requests permission from this Court to allow Brahma to file its revised Motion to Stay after the due date of Brahma’s Answer, which was June 26, 2019. Alternatively, Brahma requests additional time to file its Answer consistent with the revised Motion to Stay. Brahma’s initial (rejected) Motion was timely filed before the due date of its Answer to the Writ Petition and its failure to adhere to the page limitations was inadvertent, has been corrected and creates no prejudice.

Accordingly, Brahma respectfully requests that the Court accept filing of the revised Motion to Stay.

Respectfully submitted this 28th day of June, 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 28th day of June, 2019, I caused the above and foregoing document, **MOTION TO FILE EXCESS PAGES**, 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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