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 Elizabeth A. Brown  
 Clerk of Supreme Court

**IN THE SUPREME COURT OF NEVADA**

FIELDEN HANSON ISAACS MIYADA  
 ROBINSON YEH, LTD.

Case No. 78358

Appellant,

District Court No. A-18-783054-C

vs.

DEVIN CHERN TANG, M.D.; SUN  
 ANESTHESIA SOLUTIONS,

Respondents.

**MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF (FIRST REQUEST)**

Pursuant to NRAP 26(b)(1)(A), Respondents Devin Chern Tang, M.D. (“Dr. Tang”) and Sun Anesthesia Solutions (“Sun”) move the Court for a thirty-day extension of time to file their Answering Brief in this matter.

Although Respondents have been working diligently on their Answering Brief, more time is needed to complete it. This case involves two complex issues of first impression under Nevada Law: (1) whether a non-competition agreement is overbroad when it lacks any geographic limitation; and (2) whether NRS 613.195(5) operates retroactively to modify the terms of a non-competition agreement that was executed before the statute’s enactment. The Court’s disposition of these issues is likely to have lasting implications for future litigants, particularly with respect to the retroactivity of NRS 613.195(5). These issues are important, and Respondents are briefing them fully and thoroughly.

1 While briefing these complex issues of first impression, the attention of  
2 Respondents' counsel has been unavoidably diverted to a separate case which is  
3 proceeding to trial.<sup>1</sup> The trial setting cannot be moved, as it is pressed against the  
4 "five year rule" provided in NRCP 41(e)(2)(B). Undersigned counsel have briefed  
5 thirty separate motions *in limine* in connection with this case, which were heard  
6 earlier today. The research and briefing associated with these motions required the  
7 participation of both of the attorneys representing Respondents in this matter. A  
8 settlement conference for the matter is scheduled for January 28, 2020. Should the  
9 matter fail to resolve through settlement, Mr. Little will take the lead in trying the  
10 case, leaving Mr. O'Malley with capacity to complete Respondents' answering  
11 brief.

12 This is Respondents' first request for an extension of the time to file an  
13 Answering Brief. Barring extraordinary circumstances, undersigned counsel  
14 anticipate that it will be the only extension required. Respondents respectfully  
15 request that the Court grant the requested extension.

16 DATED this 27<sup>th</sup> day of January, 2020.

17  
18 HOWARD & HOWARD ATTORNEYS

19  
20 By: /s/Ryan T. O'Malley  
21 Martin A. Little (#7067)  
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26  
27  
28

<sup>1</sup> See *Deary v. Domino's Pizza*, Eighth Judicial District Court Case No. A-14-705779-C.

**CERTIFICATE OF SERVICE**

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada, 89169.

I served the foregoing **MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF (FIRST REQUEST)** in this action or proceeding electronically with the Clerk of the Court via the E-Flex system, which will cause this document to be served upon the following counsel of record:

Michel N. Feder (#7332)  
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Las Vegas, Nevada 89113  
*Attorneys for Appellants*

I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service was executed by me on January 27, 2020 at Las Vegas, Nevada.

*/s/ Ryan O'Malley*

An Employee of HOWARD & HOWARD ATTORNEYS PLLC