

In the Supreme Court of Nevada

REPUBLIC SILVER STATE DISPOSAL, INC.,

Appellant,

vs.

ANDREW M. CASH, M.D.; ANDREW M.
CASH, M.D., P.C., a/k/a ANDREW MILLER
CASH, M.D., P.C.; and DESERT
INSTITUTE OF SPINE CARE, LLC,

Respondents.

Electronically Filed
Aug 11 2020 08:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REPLY BRIEF ON MOTION FOR EXTENSION
OF TIME TO FILE REPLY BRIEF**

As noted in the motion, appellant appreciates the extraordinary nature of a second extension following a telephonic extension, but the request is nonetheless reasonable here. The draft brief is 122 words over the 7,000-word limit in NRAP 32(a)(7)(A)(ii). Appellate counsel is confident that with the requested extension, they can condense the brief to the limit.

This case is unlike *State v. Gomez*, an unpublished—and therefore noncitable¹—Court of Appeals order dismissing a pretrial criminal

¹ See NRAP 36(c)(3) (“[U]npublished dispositions issued by the Court of Appeals may not be cited in any Nevada court for any purpose.”).

appeal after the state failed to file its brief within two granted extensions. Case No. 74276, 2018 WL 1876201, at *2 (Nev. Ct. App. Apr. 10, 2018). That was an “extraordinary sanction that should be imposed sparingly” and was applied in that case expressly because of “the very limited scope” of the state’s pretrial appeal.

Here, in contrast, Republic appeals from a final civil judgment dismissing its complaint; this appeal is Republic’s sole remedy. The reply could have been shorter and more quickly prepared but for respondent’s misleading citation to case law from the District of Columbia, whose sharp divergence from Nevada law merits explanation in the reply.

Appellate counsel do not solely rely on ordinary caseload concerns, though multiple overlapping emergencies on that front did interfere with the preparation of this brief. One of appellant’s attorneys was able to complete the draft brief after dealing with the death of his grandfather, but not in time for lead appellate counsel, who was then in ABA meetings, to review and comment on the draft.

Counsel remains committed to filing the reply as soon as practicable but seeks the Court's courtesy in granting the full extension through September 2.

Dated this 11th day of August, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

DAVID BARRON (SBN 142)
JOSEPH MESERVY (SBN 14088)
BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031
(702) 870-3940

By: /s/Abraham G. Smith
JOEL D. HENRIOD (SBN 8492)
DANIEL F. POLSENBERG (SBN 2376)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Pkwy., Ste. 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that this “Reply Brief on Motion for Extension of Time to File Reply Brief” was filed electronically with the Nevada Supreme Court on August 11, 2020. Electronic service of the foregoing shall be made in accordance with the Master Service List as follows:

Robert C. McBride
Heather S. Hall
CARROLL, KELLY, TROTTER, FRANZEN, MCBRIDE & PEABODY
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Respondents

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber
Christie LLP