

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY S. NOONAN IRA, LLC;
LOU NOONAN; AND JAMES M.
ALLRED IRA, LLC

Appellants,

v.

U.S. BANK NATIONAL
ASSOCIATION EE; AND
NATIONSTAR MORTGAGE, LLC,

Respondents.

Supreme Court No. 78624

Electronically Filed
District Court No. A-17-001902:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO EXTEND THE DEADLINE TO FILE APPELLANTS'
OPENING BRIEF AND APPENDIX BY 7 DAYS

THIS MOTION is made by Appellants, Anthony S. Noonan IRA, LLC; Lou Noonan; and James M. Allred IRA, LLC, by and through their undersigned counsel of record. This Motion is made pursuant to NRAP 26, and NRAP 27, and is based on the attached Memorandum of Points and Authorities and supporting documentation, and any oral argument this Court may require.

Dated this 17th day of September, 2019.

The Law Office of Mike Beede, PLLC

By: /s/ Michael N. Beede

Michael Beede, Esq.
Nevada Bar No. 13068
2470 St. Rose Pkwy., Ste. 307
Henderson, NV 89074
Attorney for Appellants

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

- 1) Appellants' Notice of Appeal was filed on April 17, 2019.
- 2) Case 78624 was filed and docketed with the Nevada Supreme Court on April 24, 2019.
- 3) On June 4, 2019, this matter was removed from the Nevada Supreme Court Settlement Program and Appellants' Opening Brief became due 90 days later.
- 4) On August 27, 2019, Appellants requested and received a telephonic extension to file their Opening Brief on September 17, 2019.
- 5) Lead counsel for Appellants is experiencing medical symptoms which are impeding his ability to finalize Appellants' Opening Brief. As such extraordinary and compelling circumstances exist pursuant to NRAP 26(b)(1)(B) for an additional 7 days for Appellants to file their Opening Brief.

II. LEGAL ARGUMENT

The Nevada Rules of Appellate Procedure provide that the time to perform any act may be extended by order of this court. NRAP 26(b). Pursuant to NRAP 26(b)(1)(B), Appellants submit that extraordinary and compelling circumstances exist to further extend the time for them to file Appellants' Opening Brief. Specifically, lead counsel

for Appellants lives with a chronic medical condition which is associated with occasional but severe symptoms. *Exhibit 1*, Declaration of Michael N. Beede. Appellants' Counsel is currently experiencing such symptoms, rendering him unable to finalize Appellants' Opening Brief to the best of his ability. *Id.* Appellants' Opening Brief is largely completed, and Appellants' Counsel requests only a short extension of time to allow for his symptoms to subside.

Dated this 17th day of September, 2019.

The Law Office of Mike Beede, PLLC

By: /s/ Michael N. Beede
Michael Beede, Esq.
Nevada Bar No. 13068
2470 St. Rose Pkwy., Ste. 307
Henderson, NV 89074
Attorney for Appellants

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman and 14-point font size.

I FURTHER CERTIFY that this brief complies with the page or type-volume limitations of NRAP 27 because, it is proportionally spaced, has a typeface of 14 point, or more, and complies with the type-volume limitation because the applicable portions consist of 347 words.

FINALLY, I CERTIFY that I have read this **MOTION TO EXTEND THE DEADLINE TO FILE APPELLANTS' OPENING BRIEF AND APPENDIX BY 7 DAYS**, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Motion complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of ...

the Nevada Rules of Appellate Procedure.

DATED this 17th day of September, 2019.

THE LAW OFFICE OF MIKE BEEDE, PLLC

By: /s/ Michael Beede

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Attorneys for Appellants

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On September 17, 2019, I caused to be served a true and correct copy of the foregoing **MOTION TO EXTEND THE DEADLINE TO FILE APPELLANTS' OPENING BRIEF AND APPENDIX BY 7 DAYS** upon the following by the method indicated:

☒ BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

☐ BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

/s/ Amanda Abril
An Employee of the
Law Office of Mike Beede, PLLC

Exhibit 1


**DECLARATION OF MICHAEL N. BEEDE IN SUPPORT OF MOTION TO
EXTEND TIME TO FILE OPENING BRIEF**

I, Michael N. Beede declare the following under penalty of perjury:

1. I am an Attorney with the Law Office of Mike Beede, PLLC, licensed to practice law before this court and counsel of record in this matter for Appellants Anthony S. Noonan IRA, LLC; Lou Noonan; and James M. Allred IRA, LLC
2. I make this declaration in support of the foregoing Motion to Extend Time to File Opening Brief.
3. I have a chronic medical condition which is associated with symptoms that can occasionally and unexpectedly prevent me from engaging in work activities to the full extent of my abilities.
4. Today, on September 17, 2019, I find myself experiencing the onset of symptoms which may impede my ability to finalize Appellants' Opening Brief before today's deadline.
5. While Appellants' Opening Brief is largely complete, additional review is required to ensure that the brief meets the high standards of this Court.
6. I am unable to conduct a full and complete review in my current state.

7. As a result of the foregoing, extraordinary and compelling circumstances exist supporting a brief extension of 7 days to September 24, 2019 for Appellants to file their Opening Brief in this matter.

Signed this 17th day of September, 2019. I declare under penalty of perjury that the foregoing is true and correct.

/s/ 
Michael N. Beede