

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

US BANK NATIONAL
ASSOCIATION; AND NATIONSTAR
MORTGAGE LLC

Respondents.

Case No. 78624

Electronically Filed
Oct 29 2020 02:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR EN
BANC RECONSIDERATION
(FIRST MOTION)**

Respondents U.S. Bank National Association and Nationstar Mortgage LLC respectfully submit this motion, pursuant to NRAP 31(b)(3), requesting this court grant an extension of time to file their petition for en banc reconsideration, currently due Thursday, October, 29, 2020. Respondents request a thirty-two (32) day extension, up to and including Monday, November 30, 2020.¹ As explained below, good cause exists for an extension of time.

. . .

¹ The date occurring 30 days following the October 29, 2020 deadline falls on a weekend. Respondents request to move this deadline to the following business day.

Pursuant to NRAP 31(b)(3)(A), respondents submits the following information:

i. The petition for en banc reconsideration is currently due Thursday, October, 29, 2020.

ii. Respondents previously requested a 14-day telephonic extension to extend the original deadline of Thursday, October 15, 2020. The court granted the extension request and set a deadline of Thursday, October, 29, 2020.

iii. This is respondents' first motion request.

iv. No requests for extension of time have been denied.

v. Good cause exists to extend the time to file the petition for en banc reconsideration because the handling associate for respondents had a serious medical emergency and, consequently, the petition has been internally transferred to another associate. Good cause also exists to provide additional time because the unique issue raised in this appeal has not been uniformly decided, and has substantial importance to dozens of pending quiet title actions. *Compare Sage Realty LLC Series 2 v. Bank of N.Y. Mellon*, No. 73735, 2018 WL 6617730 (Nev. Dec. 11, 2018) (3-0 panel disposition), *with Anthony S. Noonan IRA, LLC v. U.S. Bank N.A.*, 136 Nev. Adv. Op. 41, 466 P.3d 1276 (2020) (2-1 panel opinion).

For the reasons stated above, respondents move the court to extend the deadline for their petition for en banc reconsideration until Monday, November 30, 2020. This request is made in good faith and not for delay.

DATED October 29, 2020.

AKERMAN LLP

/s/ Scott R. Lachman

ARIEL E. STERN, ESQ.

Nevada Bar No. 8276

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

SCOTT R. LACHMAN, ESQ.

Nevada Bar No. 12016

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Respondents

CERTIFICATE OF SERVICE

I certify that I electronically filed on October 29, 2020, the foregoing **MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR EN BANC RECONSIDERATION (FIRST MOTION)** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Carla Llarena

An employee of Akerman LLP