

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.

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 78624

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

Respondents U.S. Bank National Association and Nationstar Mortgage LLC reply supporting their motion to extend time to file a petition for en banc reconsideration. As explained in respondents' motion, good cause exists to extend time by thirty-two (32) days under NRAP 31(b)(3) because the handling associate for respondents had a serious medical emergency. Although appellants fault respondents for seeking an extension under these circumstances, appellants previously requested extra time to file their opening brief as a result of a medical condition. *See* Appellants' Motion to Extend the Deadline to File Opening Brief

(Sept. 17, 2020) (arguing "extraordinary and compelling circumstances exist" because "lead counsel for Appellants is experiencing medical symptoms which are impeding his ability to finalize Appellants' Opening Brief."). Recognizing that such unforeseen situations occur, and out of professional courtesy, respondents did not oppose appellants' request. This court found good cause existed and granted appellants' unopposed motion. *See* Order Granting Motion (Sept. 23, 2020). This court also granted appellants' requests for extra time to file their docketing statement and opening brief. *See* Orders Granting Telephonic Extensions (May 17, 2019 & Aug. 27, 2019).

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Appellants now oppose respondents' request on the same or similar grounds. The former handling associate's medical emergency on its own is sufficient reason to grant the relief sought.¹ This court should extend the deadline for respondents' petition for en banc reconsideration until Monday, November 30, 2020.

DATED November 6, 2020.

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¹ Although ancillary to the issues before the court in this motion, appellants claim to have "seen no indication" of inconsistent decisions from this court such that reconsideration is warranted. Appellants' contention is incongruous with its prior briefing. AOB 14-15, ARB 6-7 (citing *Sage Realty*). Appellants overlook Justice Stiglich's dissent in the panel opinion and the majority position in *Sage Realty*. 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).

CERTIFICATE OF SERVICE

I certify that I electronically filed on November 6, 2020, the foregoing **REPLY IN SUPPORT OF 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/ Patricia Larsen

An employee of Akerman LLP