

IN THE SUPREME COURT OF NEVADA

MOTOR COACH INDUSTRIES, INC.,

Appellant,

vs.

KEON KHIABANI; ARIA KHIABANI,
minors, by and through their
guardian MARIE-CLAUDE RIGAUD;
SIAMAK BARIN, as executor of the
ESTATE OF KAYVAN KHIABANI, M.D.
(decedent); THE ESTATE OF KAYVAN
KHIABANI, M.D. (decedent); SIAMAK
BARIN, as executor of the ESTATE OF
KATAYOUN BARIN, DDS (decedent);
and the ESTATE OF KATAYOUN BARIN,
DDS (decedent),

Respondents.

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Mar 06 2020 10:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF (SECOND REQUEST)**

Respondents respectfully move to extend the deadline for filing the answering brief by thirty (30) days, up to and including, April 15, 2020. The answering brief is currently due on March 16, 2020. This is Respondents' second request for an extension but first request since the Court granted Appellant's motion to exceed page limit. No prior extensions have been denied, in whole or in part. *See* NRAP 31(b)(A).

After being afforded no less than ninety additional days beyond the initial deadline, Appellant's 108-page Opening Brief was electronically filed at 8:40 p.m. on December 4, 2019. On that same date, Appellant filed a Motion to Exceed Word Limit (by an additional 4,638 words). Calculating thirty days from December 4, 2019, technically would have made Respondents' Answering Brief due on January 3, 2020. *See* NRAP 31. However, on December 11, 2019, Respondents filed an Opposition to Motion to Exceed Word Limit for Opening Brief and Countermotion to Dismiss the Appeal. On January 16, 2020, this Court issued an order granting Appellant's Motion to Exceed Word Limit, denying Respondents' Countermotion to Dismiss the Appeal, and granting Respondents' request for alternative relief for an extension of time to file the answering brief. The Court afforded Respondents an additional sixty (60) days from the date of the order to file the answering brief, making it due on March 16, 2020.

Pursuant to NRAP 26(b)(1)(A), good cause exists to extend the time for filing Respondents' Answering Brief. This extension of time is requested due to multiple unanticipated and unavoidable conflicts, including a capital murder trial setting in *State of Nevada v. Durwin Allen*, Case No. C-17-323628-1, which began on January 27, 2020, with Respondents' counsel, Peter S. Christiansen and Kendele L. Works, as counsel for the Defense. The trial was ultimately continued on the fourth day of jury selection at the State's request. On January 13, 2020, Mr. Christiansen and Ms.

Works began an evidentiary hearing in *Ann McGee v. Miracle Flights*, Case No. A-19-799634-B, which is scheduled to resume on March 18, 2020. Additionally, both Christiansen Law Offices and Kemp Jones, LLP are involved in *In Re D.O.T. Litigation*, Case No. A-19-787004-B, which is a complex multi-party litigation on an expedited discovery schedule with multiple deposition tracks requiring the appearance of several attorneys in each firm, and is currently set for trial on April 20, 2020. Each of these cases has and will continue to inhibit counsel's ability to dedicate the necessary time to the instant appeal.

Lastly, considering Appellant had no less than ninety additional days beyond the initial deadline to file its Opening Brief, it would be unreasonable to not allow Respondents additional time to sufficiently respond to the numerous contentions raised by Appellant in its 108-page Opening Brief.

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CONCLUSION AND RELIEF REQUESTED

Respondents respectfully request, pursuant to NRAP 26(b)(1)(A), an extension of time until April 15, 2020 to file their Answering Brief, which is thirty (30) days from the current deadline of March 16, 2020. A thirty-day extension is warranted given the multiple unanticipated and unavoidable conflicts raised herein.

Dated this 6th day of March, 2020.

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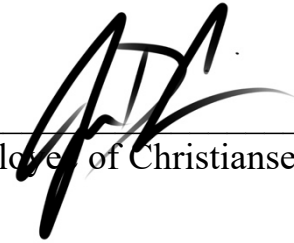
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Attorneys for Respondents

CERTIFICATE OF SERVICE

I certify that on March 6, 2020, I submitted the foregoing *Respondents'* *Motion for Extension of Time to File Answering Brief (Second Request)*, for filing via the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

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