

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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Elizabeth A. Brown
Clerk of Supreme Court

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

Respondents respectfully move to extend the deadline for filing their answering brief by twelve (12) days, up to and including, April 27, 2020. The answering brief is currently due on April 15, 2020. This is Respondents' third request for an extension but only the second 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 the current COVID-19 health crisis. In January 2020, Mr. Christiansen and Ms. Works began an evidentiary hearing in *Ann McGee v. Miracle Flights*, Case No. A-19-799634-B, which was scheduled to resume on March 18, 2020 and required the review of thousands of electronically stored documents to meet disclosure deadlines in the weeks leading

up to that date. In light of stay at home orders from Nevada Governor Steve Sisolak, that hearing was first continued to April 14, 2020 and has now been extended into May 2020, but nevertheless had required significant preparation.

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 that have required the appearance of several attorneys in each firm. The deposition schedule and original April 20, 2020, trial setting have been extended due to the COVID-19 pandemic and Governor Sisolak's extension of the statewide shutdown order through at least April 30, 2020. However, weekly telephonic hearings, motion practice and trial preparation have continued to consume resources for both law firms. While both law firms have dedicated significant time and resources to completing the Answering Brief in this case, progress has been slowed by statewide shutdowns and attorneys and staff working remotely. Notwithstanding, the brief is substantially complete and only an additional ten days is necessary to have it in final form.

Lastly, considering Appellant had more than twenty-one (21) months between the conclusion of trial and the date in which it filed its Opening Brief (and no less than ninety additional days beyond the initial filing deadline), 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.

CONCLUSION AND RELIEF REQUESTED

Respondents respectfully request, pursuant to NRAP 26(b)(1)(A), an extension of time to April 27, 2020 to file their Answering Brief, which is twelve days from the current deadline of April 15, 2020. This brief extension is warranted given the multiple unanticipated and unavoidable conflicts raised herein.

Dated this 14th day of April, 2020.

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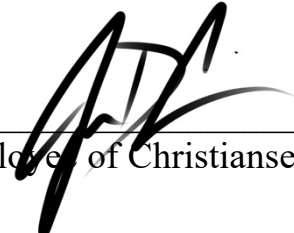
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CERTIFICATE OF SERVICE

I certify that on April 14, 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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