

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MOTOR COACH INDUSTRIES,  
INC.,

Appellant,

vs.

ARIA KHIABANI, *et al.*

Respondents,

Case No.: 78701

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Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENTS' OPPOSITION TO MOTION FOR EXTENSION OF  
TIME TO FILE REPLY BRIEF**

In this matter, MCI appeals from a jury verdict that was rendered in March 2018, nearly two and a half years ago. By its motion, MCI seeks a second extension of time to file its reply brief, which will complete briefing. The approval of its first request unequivocally advised MCI that “[n]o further extensions of time shall be permitted, except upon motion **clearly demonstrating good cause.**”

6/9/20 Issued Notice Approving Motion and Setting Reply Deadline for 7/8/20.

Significantly, MCI was directed to NRAP 31(b)(3)(B), which admonishes that unstipulated motions for extensions are “not favored” and that, after one unstipulated extension, “[t]he court shall not grant additional extensions **except upon a showing of extraordinary circumstances and extreme need.**” (Bold added). This Court has repeatedly held that appellate counsel’s schedule is nowhere near sufficient to meet the high burdens of “clearly demonstrating good

cause” or “extraordinary circumstances and extreme need.” *See, e.g., Huckabee Props. V. NC Auto Parts*, 322 P.3d 429 (Nev. 2014) (holding that “counsel’s caseload is not a reasonable ground for neglect of duties.”).

Despite the prior notice, the clear mandates of Rule 31(b)(3)(B), and the wealth of authoritative precedent on the matter, MCI impermissibly seeks *another* extension based on essentially nothing more than lead counsel’s purportedly busy schedule.<sup>1</sup> 7/8/20 Motion for Extension of Time, p. 2. MCI’s argument does not “clearly demonstrat[e] good cause” for an extension, and this Court should deny MCI’s request, as MCI was previously warned would happen.

Although the rules permit appellants to file them, reply briefs are not granted as an immutable right and are not even essential to the fair and proper resolution of an appeal. *See* NRAP 28(c) (“The appellant **may** file a brief in reply...” ) (bold added). Only the opening brief, appendix, and answering briefs are required. *See* NRAP 31(d). Given the span of this appeal and the length and comprehensiveness of the opening and answering briefs, Respondents request that MCI’s motion be denied and that the appeal be submitted on the current, substantial briefing. In the

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<sup>1</sup> While it also references one of its attorney’s need to care for elderly parents and the thoroughness of its reply, MCI provides no details to “clearly demonstrate” why its giant team of numerous attorneys were insufficient to complete a simple reply brief in the more than two months that it has already had. These purported excuses for failing to timely complete the brief should be disregarded.

alternative, Respondents request that the motion be denied and MCI be directed to file its reply brief within one week.

Dated this 13th day of July, 2020.

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