

In the Supreme Court of Nevada

In Re: Parental Rights
as to L.L.S., a Minor.

TAHJA LUJAN,

Appellant,

vs.

STATE OF NEVADA DEPARTMENT
OF FAMILY SERVICES; and L.L.S.,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF

The minor child L.L.S. requests an extension through February 12, 2020, to file her answering brief. NRAP 31(b)(3). This is the third such motion. The previous requests were granted in full. The brief would otherwise be due January 13, 2019.

Extraordinary circumstances warrant this extension. The minor's *pro bono* counsel have completed the brief with respect to the principal legal question—whether a hearing master has authority to hear and make recommendations on a motion to terminate parental rights under NRS chapter 432B. But while they have reviewed the extensive record, they have not yet completed the brief with respect to these case-specific issues. The extension is especially necessary because neither appellant

Tahja Lujan nor the Department of Family Services addressed an important issue: although the district court relied on the “one family / one judge” policy and “Hearing Master *Gibson*’s familiarity” with the parties as a basis for overruling L.L.S.’s request for a hearing before a district judge (2 App. 400:1–17) (emphasis added), neither appellant Tahja Lujan nor the Department of Family Services discussed the impact of having the trial on the termination of parental rights heard by an different, unfamiliar judicial officer—Hearing Master *Roys*.

In addition, the *pro bono* attorney drafting this brief unexpectedly had to miss days off of work (beyond the holidays) with his own illness and caring for ill members of his family and dealing with the aftermath of the traumatic death of a family pet.

Finally, while counsel understand that counsel’s caseload is—without other reasons—not a basis for an extension, we note that other counsel were unable to step in because lead counsel (himself overcoming an illness) had to prepare for successive oral arguments with a combined record of more than 20,000 pages. (Counsel did not know at the time of the previous extension request that one of these hearings would

be set for January 9, 2020.) *Pro bono* counsel also faced several emergencies, including filings related to unanticipated writ proceedings in this Court and responding to a surprise supplemental brief filed on the Saturday before long-scheduled arguments.

Finally, on top of the usual absences around the holidays, a critical member of counsel's staff, who would otherwise have assisted in the brief's preparation, had to take an unexpected leave of absence following her father-in-law's death.

Pro bono counsel appreciate the Court's courtesy in considering this request.

Dated this 13th day of January, 2020.

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CERTIFICATE OF SERVICE

I certify that on January 13, 2020, I submitted the foregoing “Motion for Extension of Time to File Answering Brief” for filing via the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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