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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Appellants,

v.

WILLIAM A. LEONARD, TRUSTEE FOR THE BANKRUPTCY ESTATE OF PAUL ANTHONY MORABITO,

Respondents.

Case No.: 79355

**MOTION TO STAY BRIEFING, OR
ALTERNATIVELY, MOTION FOR
EXTENSION OF TIME TO FILE
OPENING BRIEF AND APPENDIX**
(First Request)

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Appellants, Superpumper, Inc.; Edward Bayuk, individually and as Trustee of the Edward Bayuk Living Trust; Salvatore Morabito; and Snowshoe Petroleum, Inc. (“Appellants”), through their attorneys, Claggett & Sykes Law Firm, hereby move this Court to stay briefing, or alternatively, for an extension of time to file their opening brief and appendix pursuant to NRAP 2 and NRAP 31(d).

NRAP 2 authorizes this Court to suspend the briefing schedule in this matter. Specifically, NRAP 2 states: “On its own or a party’s motion, the Supreme Court may—to expedite its decision or for other good cause—suspend any provision of these Rules in a particular case and order proceedings as it directs.”

On December 13, 2019, this Court docketed Case No. 80214 involving the same parties as this appeal, which also arises from the same District Court case. Concurrent with this motion, Appellants are filing in Case No. 80214 a motion to confirm appellate jurisdiction and to consolidate these two appeals. Based upon the orders appealed, Appellants are unsure whether Case No. 80214 should proceed as an appeal or if Appellants should refile the case as an original proceeding. While this issue is being decided, the Court should stay briefing in the current case, particularly because the issues from both appeals are interrelated and

cannot be separately briefed. Consistent with NRAP 3(b), judicial economy would best be served by allowing the parties to present a single set of appendices and a single set of briefing for both cases.

Alternatively, if this Court is not inclined to stay briefing in the instant appeal, Appellants move this Court, pursuant to NRAP 31(b), for an extension of time to file their opening brief and appendix in this appeal to match the current April 14, 2020 deadline for Appellants to file their opening brief and appendix in Case No. 80214. Good cause exists for this Court to extend briefing in the instant appeal to April 14, 2020 based upon the unresolved jurisdictional and consolidation issues. The current deadline for the opening brief and appendix is January 29, 2020. No previous extensions have been requested or granted.

Additionally, lead counsel for Appellants recently moved to a new law firm and does not yet have access to all his files, including the file for the instant case. Thus, additional time is necessary for the preparation of the opening brief and appendix beyond the unresolved jurisdictional and consolidation issues.

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This Motion is submitted in good faith and for good cause shown in accordance with NRAP 2 and NRAP 31(b).

DATED this 29th day of January, 2020

CLAGGETT & SYKES LAW FIRM

/s/ Micah Echols

By _____

Micah S. Echols, Esq.

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CERTIFICATE OF SERVICE

I certify that on the 29th day of January, 2020, I served a copy of this **MOTION TO STAY BRIEFING, OR ALTERNATIVELY, MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX (First Request)** upon all counsel of record:

By electronic service in accordance with this Court's Master Service List

Gabrielle Hamm, Esq.
Michael Lehnors, Esq.
Frank Gilmore, Esq.
Jeffrey Hartman, Esq.
Erika Pike Turner, Esq.
Stephen A. Davis, Esq.
Debbie Leonard, Esq.

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Gerald M. Gordon, Esq.
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Dated this 29th day of January, 2020.

/s/ Jocelyn Abrego

Jocelyn Abrego, an employee of
Claggett & Sykes Law Firm