

GARMAN TURNER GORDON LLP  
GERALD M. GORDON, ESQ., NBN 229  
Email: ggordon@gtg.legal  
ERIKA PIKE TURNER, ESQ., NBN 6454  
Email: eturner@gtg.legal  
GABRIELLE A. HAMM, ESQ., NBN 11588  
Email: ghamm@gtg.legal  
TERESA M. PILATOWICZ, ESQ., NBN 9605  
Email: tpilatowicz@gtg.legal  
7251 Amigo Street, Suite 210  
Las Vegas Nevada 89119  
Telephone: (725) 777-3000  
Facsimile: (725) 777-3112  
*Attorneys for Respondent*

Electronically Filed  
Dec 03 2020 01:26 p.m.  
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 WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Appellants,

vs.

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito,

Respondent.

Case No.: 79355

Appeal from the Second Judicial District Court, Case No. CV-13-02663

**SUPPLEMENT TO  
OPPOSITION TO MOTION  
FOR EXTENSION OF TIME TO  
FILE APPELLANTS' REPLY  
BRIEF (Second Request)**

Respondent William A. Leonard, Trustee for the Bankruptcy Estate of Paul Anthony Morabito (“Respondent”), by and through his counsel, Garman Turner Gordon LLP, hereby respectfully submits his supplement to opposition (the “Opposition”) to the *Motion for Extension of Time to File Appellants’ Reply Brief (Second Request)* (the “Motion”).

1. At 8:56 p.m. on December 2, 2020, on the day the reply brief was due, appellants Superpumper, Inc. (“Superpumper”), Edward Bayuk (“Bayuk”), Salvatore Morabito (“Morabito”), and Snowshoe Petroleum, Inc. (“Snowshoe,” and collectively with Superpumper, Bayuk, and Morabito, the “Appellants”), filed their Motion.

2. In the Motion, Appellants’ counsel complained that he was unable to complete the reply brief because, among other things, (1) difficulties working in a rental property; (2) that an associate employed in October 2020 was no longer employed by the firm as of November 30, 2020, and (3) a law clerk was not available to complete the brief.

3. Respondent filed his Opposition to the Motion at 10:30 a.m. on December 3, 2020 citing, among other things, that Appellants’ nine extension requests were unfairly prejudicing Respondent, who was stayed from collecting on his Judgment entered in March 2019. Respondent requested that this Court treat the failure to timely file a reply brief as a waiver under its previous order.

4. At 11:56 p.m. on December 3, 2020, instead of filing a completed reply brief, Appellants filed a *Petition for Writ of Mandamus or Prohibition* (the “Writ”),

including a multi-volume appendix with respect to rulings on certain orders entered in the underlying action. See Case No. 82157.

5. It is now clear that, instead of ensuring that they complied with this Court's ordered deadline, already encompassing two extensions for the reply brief, Appellants were directing their attention to filing the Writ.

6. Thus, Appellants chose to miss the deadline for their reply brief (the delay for which is causing harm to Respondent), and instead chose to prepare and file the Writ (for which there was no urgency as Appellants have been threatening to file it since January 29, 2020). *See* Case No. 80214.

7. Appellants most recent actions confirm that Appellants have not shown the extraordinary circumstances necessary for a 14-day extension of the deadline to file their reply brief.

...

...

...

...

...

8. Respondent respectfully requests that the Court deny the Motion and treat the failure by Appellants to file a timely reply brief (instead choosing to file the Writ) as a waiver of the right to file such a reply brief. Appellants request such other relief as this Court deems just and proper.

Dated December 3, 2020.

GARMAN TURNER GORDON LLP

By: /s/ Teresa M. Pilatowicz  
GERALD M. GORDON, ESQ.  
Nevada Bar No. 229  
ERIKA PIKE TURNER, ESQ.  
Nevada Bar No. 6454  
GABRIELLE A. HAMM, ESQ.  
Nevada Bar No. 11588  
TERESA M. PILATOWICZ, ESQ.  
Nevada Bar No. 9605  
7251 Amigo Street, Suite 210  
Las Vegas Nevada 89119  
*Counsel for Respondent*

### **CERTIFICATE OF SERVICE**

I certify that on December 3, 2020, I electronically filed the foregoing **Supplement to Opposition to Motion for Extension of Time to File Appellants' Reply Brief (Second Request)** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic filing system. I further certify that counsel of record for all other parties to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

By: /s/ Melissa Burkart  
An employee of Garman Turner  
Gordon LLP