

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESIRE EVANS-WAIAU,
individually; GUADALUPE
PARRA-MENDEZ, individually;

Appellants,

vs.

BABYLYN TATE, individually,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No. 79424

**APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE
PARRA-MENDEZ’S MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF**

Appellants DESIRE EVANS-WAIAU and GUADALUPE PARRA-MENDEZ (“Appellants”), by and through their counsel of record, Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, hereby move to extend the time to file their Reply Brief by sixty (60) days up to and including Monday, January 4, 2021 pursuant to NRAP 31(b)(3). The parties previously stipulated to a thirty (30) day extension on October 2, 2020, which was approved by this Court on October 2, 2020. This Court has not previously denied or denied, in part, any requests for extension. Appellants’ Reply Brief is currently due on November 4, 2020.

Appellants respectfully request an additional extension of time to complete their Reply Brief for a multitude of reasons. As this Court may be aware, Appellants undersigned counsel has been in the process of drafting his Answering Brief in the matter of *Capriati Construction Corp. v. Yahyavi*, Nevada Supreme Court Case No. 80107/80821. The issues on appeal in *Yahyavi* are numerous and have required extensive efforts from counsel to comprehensively address over the course of the last several weeks.

Appellants' counsel was also recently ordered by the United States Supreme Court to prepare a response brief to a petition for writ of certiorari filed in the matter of *Liberty Mutual Fire Ins. Co. v. Ethan Volungis, et al.*, U.S. Supreme Court Case No. 20-208. Counsel's response brief is due on December 14, 2020. The writ petition concerns the function of FRCP 15(a) as it relates to allowing a plaintiff leave to amend a complaint when dismissal of the complaint under FRCP 12(b)(6) is granted. Although the issue appears narrow in scope, counsel must still undertake detailed analysis and research to determine each Circuit's respective interpretation of FRCP 15 in this specific context and the underlying rationale supporting those interpretations. The issue also implicates other aspects of a federal district court's inherent and discretionary powers that must also be

addressed. Further, Appellants' undersigned counsel has never practiced before the United States Supreme Court and must take great care to ensure the response brief satisfies the applicable rules of the court.

Appellants assert their requested extension of time, while extensive, will ensure they can meaningfully address the arguments set forth in Respondent's Answering Brief. Although counsel's caseload is not typically considered to be grounds to justify an extension request, the unique circumstances here support Appellants' request.

Based on the underlying circumstances, Appellants contend that good cause supports their requested extension. Therefore, Appellants respectfully request a sixty (60) day extension up to and including Monday, January 4, 2021 to file their Reply Brief. This request is made in good faith and not for the purpose of undue delay in the resolution of this matter.

DATED this 4th day of November, 2020

Respectfully Submitted,

PRINCE LAW GROUP

/s/ Dennis M. Prince
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Supreme Court of Nevada on the 4th day of November, 2020. Electronic service of the foregoing document entitled **APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE PARRA-MENDEZ'S MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF** shall be made in accordance with the Master Service List as follows:

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