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IN THE SUPREME COURT OF NEVADA

SCOTT VINH DUONG, M.D., ANNIE LYNN
 PENACO DUONG, M.D., DUONG
 ANESTHESIA, PLLC

Case No. 79460

Appellants,

District Court No. A-19-789110-B

vs.

FIELDEN HANSON ISAACS MIYADA
 ROBINSON YEH, LTD.

Respondent.

MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX
(FIRST REQUEST)

Pursuant to NRAP 26(b)(1)(A), Respondents Devin Chern Tang, M.D. (“Dr. Tang”) and Sun Anesthesia Solutions (“Sun”) respectfully move the Court for a one-week extension of time to file their Answering Brief in this matter.

Although Respondents have been working diligently on their Answering Brief, more time is needed to complete it. This case involves two complex issues of first impression under Nevada Law: (1) whether a non-competition agreement is overbroad when it lacks any geographic limitation; and (2) whether NRS 613.195(5) operates retroactively to modify the terms of a non-competition agreement that was executed before the statute’s enactment. The Court’s disposition of these issues is likely to have lasting implications for future litigants, particularly with respect to the retroactivity of NRS 613.195(5). These issues are important, and Respondents are briefing them fully and thoroughly.

Appellants' Opening Brief on these complex issues of first impression is substantively complete. However, the attorney with principal drafting responsibility for this Opening Brief had become ill on or around February 17, 2020. Appellant's counsel requested a telephonic extension on February 19, 2020, which the Court had graciously granted on February 20, 2020. Counsel has since recovered and has completed a substantive proposed final draft of the Opening Brief, and counsel has worked late into this evening in an effort to timely file the Opening Brief and appendix. However, Appellant will not be able to submit a completed brief by midnight. Appellant therefore requests a one-week extension to file the Opening Brief.

This is Appellants' first request for an extension of the time to file an Answering Brief. A full week-long extension will likely not be required; however Appellants are requesting a week in an abundance of caution. No further extensions will be necessary. Respondents respectfully request that the Court grant the requested extension.

DATED this 4th day of March, 2020.

HOWARD & HOWARD ATTORNEYS

By: /s/Ryan T. O'Malley
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CERTIFICATE OF SERVICE

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada, 89169.

I served the foregoing **MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX (FIRST REQUEST)** in this action or proceeding electronically with the Clerk of the Court via the E-Flex system, which will cause this document to be served upon the following counsel of record:

Michel N. Feder (#7332)
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I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service was executed by me on March 4, 2020 at Las Vegas, Nevada.

/s/ Ryan O'Malley

An Employee of HOWARD & HOWARD ATTORNEYS PLLC