

IN THE SUPREME COURT OF NEVADA
CASE NO. 79487

UNITED AUTOMOBILE INSURANCE COMPANY,

Appellant,

vs.

CHEYENNE NALDER; and GARY LEWIS,

Respondents.

Electronically Filed
Mar 13 2020 03:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL FROM DISTRICT COURT CASE A549111

**GARY LEWIS' OBJECTION TO UAIC'S SECOND REQUEST FOR
MOTION TO EXTEND TIME TO FILE AN OPENING BRIEF**

UAIC, as is its modus operandi, *again* waited until the last minute to seek further delay of this case. UAIC's counsel waited to contact opposing counsel until the day its Opening Brief was due and requested yet another 30 days (to April 12, 2020) to file its Brief. Opposing counsel did not agree to an additional delay and UAIC therefore filed the instant motion at 5:01pm on the extended due date of the Brief. Originally, the brief was due February 11, 2020. At the request of UAIC, it was already extended to March 12, 2020 by Stipulation and Order of the Court pursuant to NRAP 31(b)(2).

NRAP 31(b)(3)(B) states :

Applications for extensions of time beyond that to which the parties are permitted to stipulate under Rule 31(b)(2) are not favored. The court will grant an initial motion for extension of time for filing a brief **only upon a clear showing of good cause**. The Court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need. (Emphasis added.)

Additionally, the Court's Order dated February 12, 2020, states "No further extensions of time shall be permitted, except upon motion clearly demonstrating good cause. NRAP 31(b)(2); NRAP 31(b)(3)(B)."

Appellant states the extension is "necessary" due to staffing and travel issues due to the coronavirus pandemic.¹ The World Health Organization, however, just declared the pandemic on the day before Appellants' counsel contacted counsel for Respondents to seek another extension. Had Appellants, in good faith, been working on and preparing its Opening Brief for filing, it would have mostly been complete by the date of the declaration of the pandemic. The pandemic being declared is not "good cause" because it is simply a ruse with serendipitous timing for Appellants to attempt to use herein.

¹ The actual reason for the delay may be that this appeal is frivolous. At a hearing in February Daniel Polsenberg admitted to the trial court that he could not articulate a reason for filing this appeal.

As the second basis for the “need” for an extension, Appellant claims other cases have taken the attention of counsel. This is also not “good cause” for an extension. Attorneys regularly handle multiple cases before multiple levels of courts. This case alone has several related cases, all with multiple deadlines and all of which are proceeding through the various jurisdictions at different paces. It is not an appropriate excuse for counsel to request an extension in one case because other deadlines or situations in other cases within their office take priority. This is especially true when opposing counsel is a very large firm with nine western U.S. offices and more than 30 attorneys in Las Vegas alone.

Dated this 13th day of March, 2020.

CHRISTENSEN LAW OFFICES, LLC

/s/ Thomas Christensen

Nevada Bar #2326

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing via the Court's eFlex system on March 13, 2020 and thereby served this document upon all registered users in this case.

/s/ Thomas Christensen
Counsel for Appellants