

In the Supreme Court of Nevada

UNITED AUTOMOBILE INSURANCE
COMPANY,

Appellant,

vs.

CHEYENNE NALDER; and GARY LEWIS,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION
TO FILE OPENING BRIEF AND APPENDIX**

Appellant United Automobile Insurance Company (UAIC) moves to extend the deadline for filing the opening brief and appendix by 30 days, through May 13, 2020. NRAP 31(b)(3). This is the second motion for extension. (The parties previously stipulated to extend the deadline pursuant to NRAP 31(b)(2).) The brief was originally due February 11, 2020 and, without an extension, would be due April 13, 2020. No request for additional time has been denied or denied in part.

Although the brief is substantially complete, extenuating circumstances make this extension necessary.

***1. The COVID-19 Pandemic Has
Caused Significant Disruptions***

The COVID-19 pandemic and Governor Sisolak's stay-at-home orders have disrupted counsel's offices, including attorney and staff, causing a general backlog and delaying the finalization of this brief, in particular. Among other exigencies, the attorney who has primary responsibility for drafting the opening brief has had to assume a greater responsibility for his daughter's care after her school closed. His wife also lost much of her business, and the family has had to significantly change their schedules. Our firm has also had to deal with other emergencies in other cases following the COVID-19 outbreak and related closures.

***2. Developments in the Underlying Litigation
Have Prevented the Finalization of the Brief***

Extraordinary developments in this case have required special attention.

First, the district court announced that it will entertain respondent Cheyenne Nalder's arguments that the statute of limitations on a previous default judgment has not run—even though the Ninth Circuit expressly determined “the statute of limitations has

passed and that they have failed to renew the judgment,” *Nalder v. UAIC*, 878 F.3d 754, 757 (9th Cir. 2017), and this Court rejected Nalder’s attempt to undermine that determination in this Court’s answers to the Ninth Circuit’s certified questions. UAIC has filed a petition with this Court to prevent the district court from lifting the stay and undercutting the Ninth Circuit, which is considering the same issues. But in the meantime, pending this Court’s intervention, UAIC has also had to brief the merits of Nalder’s arguments in the district court.

In addition, counsel for respondent Gary Lewis have moved to disqualify the district court judge—and will yet seek the Chief Justice’s disqualification. The reason for these requests is that Lewis’s attorneys are running against these judicial officers in the upcoming election. As Judge Johnson described a call to his chambers, Lewis’s counsel asked “when I was going to recuse myself from this case because his associate had filed against me.” (Ex. A, 3/4/20 Hr’g Tr., at 5:5–21.) Lewis’s disqualification motion required a response, diverting resources from the preparation of this brief.

Finally, the Ninth Circuit—which has exclusive jurisdiction over the substantive issues in this case—recently ordered supplemental briefing on the application of this Court’s answers to the certified questions. That response also requires significant attention, as the Ninth Circuit’s resolution may resolve the litigation without this Court’s needing to decide this appeal.

3. *Other Cases*

While counsel understands that its other cases ordinarily do not constitute grounds for an extension, UAIC’s counsel notes that, even during this lockdown, emergencies have persisted. Counsel appeared in one case and had to move on an emergency basis to secure a stay in the district court so that the district court could consider a jurisdictional objection. In the opioid litigation, counsel have spearheading efforts to coordinate deposition procedures and other discovery for a complex web of plaintiff and defendant groups.

Counsel appreciate the extraordinary nature of the request, but these extraordinary circumstances require it. Counsel respectfully seek this Court’s courtesy in granting the extension.

Dated this 13th day of April, 2020.

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CERTIFICATE OF SERVICE

I certify that on April 13, 2020, I submitted the foregoing “Motion for Extension to File Opening Brief and Appendix” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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