

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3       HILLSBORO ENTERPRISES INC, A NEVADA  
4       CORPORATION; MOBILE BILLBOARDS,  
5       LLC, A NEVADA LIMITED LIABILITY  
6       COMPANY; EBVB HOLDINGS, INC., A  
7       NEVADA LIMITED LIABILITY COMPANY;  
8       VINCE BARTELLO, AN INDIVIDUAL; AND  
9       ERICA BARTELLO, AN INDIVIDUAL.

10                                   Appellant,,

11       vs.

12       SEAN FITZGERALD,

13                                   Respondents,

Electronically Filed  
Supreme Court No. 79686 Apr 09 2020 03:20 p.m.  
District Court Case No. A716570  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO EXTEND TIME TO FILE  
OPENING BRIEF (FIRST REQUEST)**

14           Appellants, HILLSBORO ENTERPRISES INC, MOBILE BILLBOARDS, LLC, A;  
15       EBVB HOLDINGS, INC., VINCE BARTELLO, AND ERICA BARTELLO, by and through  
16       their counsel of record, CARRIE E. HURTIK, ESQ. and JONATHON R. PATTERSON, ESQ.  
17       of the law firm HURTIK & ASSOCIATES, LTD, respectfully moves this Court for a Sixty (60)  
18       day extension of time to and including June 15, 2020, to file their opening brief. The brief is  
19       currently due on April 15, 2020. There have been no previous extensions sought in this matter.

20       This Motion is made pursuant to NRAP 27 and 31.

21                                   **I.**

22                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

23                                   **A. Facts**

24           Appellants VINCE and ERICA BARTELLO are small business owners who operate a  
25       Mobile Billboard service in the Las Vegas area. This is an appeal taken from a Judgement

1 following a Jury Trial in the underlying action, *Sean Fitzgerald v. Hillsboro Enterprises, Inc. et*  
2 *al, A-15-716570-C*. The Notice of Appeal was filed on September 27, 2019. Thereafter, the matter  
3 was placed in the Settlement Program. A settlement was not reached and therefore the matter was  
4 place back on a briefing schedule.

5 On March 12, 2020, Governor Steve Sisolak, issued a Declaration of Emergency in  
6 response to the COVID-19 pandemic. On March 13, 2020 President Donald Trump issued a  
7 nationwide emergency pursuant to Sec 501(b) of the Robert T. Stafford Disaster Relief and  
8 Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"). On March 20, 2020  
9 Governor Sisolak issued Directive 003 and further ordered the closure of all non-essential  
10 businesses and restricted the activities of essential businesses to reduce opportunities for  
11 interpersonal contact. On March 31, 2020 Governor Sisolak issued Directive 10 to reinforce and  
12 clarity that Nevadans must avoid unnecessary inter-personal contact to lower the rate of disease  
13 transmission. Finally, on April 8, 2020 Governor Sisolak issued Directive 13, to further enforce  
14 social distancing requirements.

15  
16 HURTIK LAW and ASSOCIATES LTD., like other law firms, has been forced to deal  
17 with reduced staff and limited contact with clients. Ms. Hurtik is a care giver for her elderly parents  
18 and therefore has been diligent concerning exposing herself to anyone with the COVID-19 virus.  
19 As a result, she has not been able to meet with her clients to review and discuss the Opening Brief  
20 of their appeal. We understand that the Court would not normally consider staffing issues when  
21 ruling on an Extension of Time, we are not operating in a normal environment.

22 Furthermore, there is no certainty as to how long the current state of emergency will last.  
23 The current social distancing guidelines are in effect until April 30<sup>th</sup>, 2020 with a high degree of

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1 probability that they be extended well into May 2020. Therefore, the Appellants request an  
2 Extension of Time to File Opening Brief for Sixty (60) days.

3  
4 DATED this 9<sup>th</sup> day of April, 2020.

6 **HURTIK LAW & ASSOCIATES**

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8 

9 **CARRIE E. HURTIK, ESQ.**

10 Nevada Bar No. 7028

11 **JONATHON R. PATTERSON, ESQ.**

12 Nevada Bar No. 9644

13 **HURTIK LAW & ASSOCIATES**

14 6767 West Tropicana Ave. #200

15 Las Vegas, NV 89103

16 (702) 966-5200 Telephone

17 (702) 966-5206 Facsimile

18 Attorneys for Appellant,

19 HILLSBORO ENTERPRISES INC, MOBILE

20 BILLBOARDS, LLC, EBVB HOLDINGS, INC.,

21 VINCE BARTELLO, AND ERICA BARTELLO

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1. I have personal knowledge of all matters stated herein and would competently be able to testify thereto if called to do so.

3. I am also the primary caregiver for my parents who are at high risk if exposed to the COVID-19 virus.

5. As a result of these events, an extension is needed to complete the brief and allow for client consultation and review.

Executed on April 9, 2020.

By: /s/ Carrie E. Hurtik  
Carrie E. Hurtik

**CERTIFICATE OF SERVICE**

STATE OF NEVADA       )  
  ) ss.  
COUNTY OF CLARK       )

I, JONATHON R. PATTERSON declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6767 West Tropicana Ave., Suite #200, Las Vegas, Nevada, 89103

I hereby certify that on 9<sup>th</sup> day of April 2020, I served a true and correct copy of the foregoing document described as **MOTION TO EXTEND TIME TO FILE OPENING BRIEF (FIRST REQUEST)** on the party listed below:

James P. Kemp, Esq.  
KEMP & KEMP  
7435 W. Azure Drive, Ste. 110  
Las Vegas, NV 89130  
(702) 258-1183 Telephone  
(702) 258-6983 Facsimile  
Attorneys for Plaintiff,  
Sean Fitzgerald Attorneys for Respondent

☒ **VIA ELECTRONIC SERVICE:** by transmitting via electronic service maintained by court's electronic filing system, on whom it is served at the electronic service address as last given by that person on any e-document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission and the electronic mail address to which transmitted. A confirmation of the electronic service containing the electronic mail addresses to which the e-document(s) was/were transmitted will be maintained with the e-document(s) served.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Las Vegas, Nevada on April 9<sup>th</sup> 2020.

\_\_\_\_\_  
/s/ Jonathon R. Patterson  
JONATHON R. PATTERSON an employee of  
HURTIK LAW & ASSOCIATES