

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

POPE INVESTMENTS, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; POPE INVESTMENTS
II, LLC, A DELAWARE LIMITED
LIABILITY COMPANY; AND
ANNUITY & LIFE
REASSURANCE, LTD., AN
UNKNOWN LIMITED COMPANY,
Appellants,

CASE NOS. 79807 & 80709
DISTRICT COURT CASE NO.
A-16-746732-P

vs.

CHINA YIDA HOLDING, CO., A
NEVADA CORPORATION,
Respondent.

**UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF
(THIRD REQUEST)**

COME NOW the Appellants Pope Investments, LLC, Pope Investments II, LLC, and Annuity & Life Reassurance, Ltd., by and through their counsel of record, Richard J. Pocker, Esq., of the law firm Boies Schiller Flexner LLP and Peter Chasey, Esq. of Chasey Law Offices and hereby move this Honorable Court for an extension of time to file their Opening Brief and Appendix pursuant to Rules 27 and 31 of the Nevada Rules of Appellate Procedure. This Motion is based upon

the Memorandum of Points and Authorities included herein, and the papers and pleadings on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

On December 17, 2019, following an unsuccessful attempt to resolve the disputes between the parties through the Court's Settlement Program, the Court entered an Order requiring the Appellants to file their Opening Brief in Case No. 79807 by March 16, 2020. Subsequent to the entry of that Order, the Appellants filed their Notice of Appeal of the district court's Order as to the Respondent's request for attorney's fees on February 26, 2020. (This Notice of Appeal generated Case Number 80709.)

On March 9, 2020, the Appellants and the Respondent stipulated to an extension of Appellants' deadline to file the Opening Brief in Case Number 79807. The Court approved the stipulation, extending the due date for the Opening Brief in Case Number 79807 to April 15, 2020.

The Court set the due date for the Appellants' Opening Brief in Case Number 80709, the appeal regarding the district court's attorney's fee ruling, for July 1, 2020. On March 27, 2020, the Appellants moved, without opposition from the Respondent, to consolidate Case Number 79807 with Case Number 80709. The Court granted the requested consolidation on April 6, 2020, and also granted

the Appellants' additional request that the Opening Brief for the consolidated appeals be due on July 1, 2020.

None of the prior two requests to adjust or extend the due date for the Opening Brief were denied. Respondent's counsel has been advised of the present request to further extend the due date for the Opening Brief to July 22, 2020, and has no opposition to the requested extension.

As the Court is well aware, the COVID 19 public health crisis has persisted beyond earlier estimations as to the date by which that crisis would be abated or resolved, disrupting the ability of business and law firms to conduct their affairs in the usual or customary fashion. Advances in remote working technology and the relaxation or adjustment of Court protocols notwithstanding, legal work of a substantive and complex variety has been more cumbersome and time consuming in the past few months. This is especially so where clients and counsel reside in different parts of the country, with sometimes conflicting schedules as to availability, as in the present case. While Appellants' counsel has an extraordinarily capable staff, the functional challenges of working from home have complicated these appellate proceedings, especially for counsel.

As if the COVID 19 public health crisis were not disruptive enough to the efficient and proper functioning of both business and the legal system, the unpredictable nature of the civil unrest which has effected our community over the

past 24 days has been equally impactful. The dangerously unreliable nature of events on the downtown streets related to this unrest has interfered with the ability of staff and counsel to safely work after hours in their downtown offices. In addition, during the past several months the local federal courts have rescheduled numerous criminal proceedings, resulting for Appellants' counsel in a concentration of deadlines and hearings around the date by which Appellants' Opening Brief is due. A short extension, such as the one requested in this Unopposed Motion, would address the aforementioned concerns.

For the reasons set forth herein the Appellants request that the Court extend the due date for the Appellants' Opening Brief to July 22, 2020.

Dated this 17th day of June, 2020.

BOIES SCHILLER FLEXNER LLP

By: /s/ Richard J. Pocker
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- AND -

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of BOIES SCHILLER FLEXNER LLP, and that on this 17th day of June, 2020, I electronically filed and served through the Nevada Supreme Court's E-Filing System (Eflex) a true and correct copy of the above and foregoing ***UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF (THIRD REQUEST)*** addressed to the following:

J. Robert Smith, Esq.
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Attorneys for Petitioner, China Yida Holding, Co.

/s/ Shilah Wisniewski
SHILAH WISNIEWSKI
An employee of Boies Schiller Flexner LLP