

**ROGER P. CROTEAU & ASSOCIATES, LTD.**  
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5 *Attorney for Appellant*  
**SATICOY BAY, LLC 34 INNISBROOK**

Electronically Filed  
Oct 08 2020 06:06 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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8 IN THE SUPREME COURT OF THE STATE OF NEVADA

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10 SATICOY BAY, LLC 34 INNISBROOK, )  
11 )  
Appellant, )  
12 vs. )  
13 THORNBURG MORTGAGE )  
SECURITIES TRUST 2007-3; FRANK )  
14 TIMPA; MADELAINE TIMPA; TIMPA )  
TRUST; RED ROCK FINANCIAL )  
15 SERVICES, LLC; SPANISH TRAIL )  
MASTER ASSOCIATION; REPUBLIC )  
16 SERVICES; AND LAS VEGAS )  
VALLEY WATER DISTRICT, )  
17 )  
Respondents. )  
18 )  
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Supreme Court No. 80111

District Court Case No. A-14-710161-C

20 **MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX**  
**(First Request)**

21 COMES NOW, Appellant, SATICOY BAY, LLC 34 INNISBROOK, by and through its  
22 attorneys, ROGER P. CROTEAU & ASSOCIATES, LTD., and hereby presents its Motion to  
23 Extend Time to File Opening Brief and Appendix, requesting an extension of time to thirty (30)  
24 days from the Court's ruling on the pending Motion to Dismiss as detailed herein, or until such  
25 other date that the court deems appropriate. This Motion is made and based upon the attached

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1 Memorandum of Points and Authorities, the attached exhibits, the declaration of counsel, and all  
2 papers and pleadings on file herein.

3 DATED this 8<sup>th</sup> day of October, 2020.

4 ROGER P. CROTEAU & ASSOCIATES, LTD.

5  
6 /s/ Roger P. Croteau  
7 ROGER P. CROTEAU, ESQ.  
8 Nevada Bar No. 4958  
9 2810 W. Charleston Blvd., Suite 75  
10 Las Vegas, Nevada 89102  
11 (702) 254-7775  
12 *Attorney for Appellant*  
13 **SATICOY BAY, LLC**  
14 **34 INNISBROOK**

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **A. STATEMENT OF THE FACTS**

- 13 1. Appellant caused the instant appeal to be filed on December 2, 2019.  
14 2. On December 19, 2019, this Court assigned this matter to the Settlement Program.  
15 3. A Mediation was held on June 30, 2020 and the parties were unable to agree to a  
16 settlement.  
17 4. On July 10, 2020, this Court issued an Order Removing Case from Settlement Program  
18 and Reinstating Briefing schedule.  
19 5. Pursuant to the Briefing schedule, the Appellant was given 90 days from the date of the  
20 notice to file and serve the Opening Brief and Appendix. The Opening Brief and  
21 Appendix are thus presently due on October 8, 2020.  
22 6. On September 24, 2020, Counsel for Spanish Trial Master Association filed a Motion to  
23 Dismiss.  
24 7. On September 29, 2020, Counsel for Red Rock Financial Services filed a Joinder to the  
25 Motion to Dismiss.  
26 8. Appellant's Opposition to the Motion to Dismiss is due on October 15, 2020.  
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- 1 9. As a result of the foregoing, Appellant’s counsel is requesting an extension in which to  
2 file its Opening Brief and Appendix to a date not more than thirty (30) days after the  
3 hearing on Respondents’ Motion to Dismiss.
- 4 10. The content of the Opening Brief and Appendix will be dictated by the Court’s ruling on  
5 the Motion to Dismiss.
- 6 11. On October 8, 2020, Appellant’s counsel’s paralegal contacted Respondents’ various  
7 counsel by phone, requesting an extension of time of forty-five (45) days until November  
8 23, 2020, in which to prepare, file and serve the Opening Brief and Appendix.
- 9 12. Ryan Hastings, Esq., counsel for Spanish Trail Master Association immediately  
10 responded with their consent to the requested extension.
- 11 13. Elena Nutenko, Esq., counsel for Frank Timpa, Madelaine Timpa and Timpa Trust  
12 (collectively, the “*Timpas*”), responded and advised that they will not agree, as they “want  
13 to get this case moving.”
- 14 14. Based upon her client’s apparent refusal to grant an extension, Ms. Nutenko refused to  
15 agree to the requested extension and this Motion has been prepared.
- 16 15. This Motion is filed not for delay, but judicial economy of the Court and the various  
17 parties.
- 18 16. Appellant’s counsel had not heard back from the other parties at the time of filing this  
19 Motion, but that fact is not relevant as the Timpas have declined an extension.

20 **B** **STATEMENT OF THE LAW**

21 NRAP 31(b) provides in pertinent part as follows:

22 **(2) Stipulations.** Unless the court orders otherwise, in all appeals except child  
23 custody, visitation, or capital cases, the parties may extend the time for filing any  
24 brief for a total of 30 days beyond the due dates set forth in Rule 31(a)(1) by filing  
a written stipulation with the clerk of the Supreme Court on or before the brief’s  
due date. No extensions of time by stipulation are permitted in child custody,  
visitation, or capital cases.

25 **(3) Motions for Extensions of Time.** A motion for extension of time for filing a  
26 brief may be made no later than the due date for the brief and must comply with  
the provisions of this Rule and Rule 27.

27 **(A) Contents of Motion.** A motion for extension of time for filing a brief shall  
include the following:

- 28 (i) The date when the brief is due;

- (ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary; and
- (v) The length of the extension requested and the date on which the brief would become due.

5 **C. ARGUMENT**

6 As set forth above, Appellant’s counsel sought to obtain a stipulated extension of the due  
7 date for the Opening Brief and Appendix that is presently due on October 8, 2020. In such a  
8 manner, Appellant hoped to avoid burdening the Court with a matter as mundane as an extension  
9 of time under those circumstances, as well as to avoid the time and expense of preparing and  
10 filing the instant Motion. Counsel for Spanish Trail Master Association agreed to the  
11 continuance. However, Ms. Nutenko, on behalf of the Timpas, has refused. This is the first  
12 extension of time that has been requested.

13 Appellant’s counsel appreciates Ms. Nutenko wanting to move the case along; however,  
14 based upon the pending Motion to Dismiss, Appellant’s counsel does not want to waste the  
15 resources preparing an Opening Brief that may be pared down based upon the Court’s ruling until  
16 a date after the hearing on the Motion to Dismiss. Because NRAP 26(b)(1)(B) specifically bars  
17 any additional extensions of time under most circumstances, Appellant’s counsel brings the  
18 instant Motion. Appellant’s counsel regrets that he has been forced to burden the Court with this  
19 Motion where the majority of the parties were willing to professionally resolve the matter  
20 without court intervention; however, Appellant believes that justice and efficiency are best served  
21 by extending the briefing as set forth herein.

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**CONCLUSION**

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2 Based upon the foregoing, Appellant respectfully requests that the deadline to file the  
3 Opening Brief and Appendix herein be extended until thirty (30) days after notice of Entry of the  
4 Court's decision on the pending Motion to Dismiss or until such other date that the Court deems  
5 appropriate.

6 DATED this 8<sup>th</sup> day of October, 2020.

7 ROGER P. CROTEAU & ASSOCIATES, LTD.

8  
9 */s/ Roger P. Croteau*  
10 ROGER P. CROTEAU, ESQ.  
11 Nevada Bar No. 4958  
12 2810 W. Charleston Blvd., Ste. 75  
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15 *Attorney for Appellant*  
16 **SATICOY BAY LLC 34 INNISBROOK**  
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**DECLARATION OF ROGER P. CROTEAU**

ROGER P. CROTEAU, being first duly sworn, deposes and says, that:

1. That I am an attorney for the Appellant, Saticoy Bay, LLC 34 Innisbrook ("*Saticoy Bay*"), in the above-captioned matter.
2. Of the following facts, I know them to be true of my own knowledge unless stated upon information and belief, in which case I possess a good faith belief that such facts are true and correct.
3. Appellant caused the instant appeal to be filed on December 2, 2019.
4. On December 14, 2016, this Court issued an Exemption from Settlement Program - Notice to File Documents ("*Exemption Notice*").
5. Pursuant to the Briefing schedule, the Appellant was given 90 days from the date of the notice to file and serve the opening brief and appendix. The opening brief and appendix are thus presently due on October 8, 2020.
6. On October 8, 2020, Appellant's counsel's office contacted Respondents' various counsel by phone, requesting an extension of time of forty-five (45) days until November 23, 2020, in which to prepare, file and serve the Opening Brief and Appendix.
7. Ryan Hastings, Esq., counsel for Spanish Trail Master Association immediately responded with their consent to the requested extension.
8. Elena Nutenko, Esq., counsel for Frank Timpa, Madelaine Timpa, and Timpa Trust (the "*Timpas*"), responded and advised that they wanted to get the case moving and would not agree.
9. Based upon the Timpas' apparent refusal to grant an extension, Ms. Nutenko refused to agree to the requested extension that necessitated the instant Motion.
10. Appellant respectfully requests that the deadline to file the Opening Brief and Appendix herein be extended until thirty (30) days after hearing on the Motion to Dismiss and Notice of Entry of the Court's decision, or until such other time that the Court deems appropriate.

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11. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge.

DATED this 8<sup>th</sup> day of December 2020.

/s/ Roger P. Croteau  
ROGER P. CROTEAU

**CERTIFICATE OF SERVICE**

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I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD.  
and that on the 8<sup>th</sup> day of October, 2020, I caused a true and correct copy of the  
foregoing document to be served on all parties as follows:

X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's efile and  
serve system.

       VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with  
postage thereon fully prepaid, addressed as indicated on service list below in the United  
States mail at Las Vegas, Nevada.

       VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated  
on the service list below.

       VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this  
date to the addressee(s) at the address(es) set forth on the service list below.

*/s/ Kristi Hewes*  
An employee of ROGER P. CROTEAU &  
ASSOCIATES, LTD.