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Elizabeth A. Brown
Clerk of Supreme Court

8 IN THE SUPREME COURT OF THE STATE OF NEVADA

9 ***

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.)

Supreme Court No. 80111

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

19 **MOTION TO EXTEND TIME TO FILE OPENING BRIEF**
20 **(Third Request)**

21 COMES NOW, Appellant, SATICOY BAY, LLC 34 INNISBROOK, ("*Saticoy Bay*") by
22 and through its attorneys, ROGER P. CROTEAU & ASSOCIATES, LTD., and hereby presents
23 its Motion to Extend Time to File Opening Brief and Appendix, requesting a third extension of
24 time to fourteen (14) days from the current deadline of January 15, 2020, or until such other date
25 that the court deems appropriate. This Motion is made and based upon the attached

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

DATED this 15th day of January, 2021.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Roger P. Croteau
ROGER P. CROTEAU, ESQ.
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Attorney for Appellant
SATICOY BAY, LLC
34 INNISBROOK

MEMORANDUM OF POINTS AND AUTHORITIES

A. STATEMENT OF THE FACTS

1. Saticoy Bay caused the instant appeal to be filed on December 2, 2019.
2. On December 19, 2019, this Court assigned this matter to the Settlement Program.
3. A Mediation was held on June 30, 2020 and the parties were unable to agree to a settlement.
4. On July 10, 2020, this Court issued an Order Removing Case from Settlement Program and Reinstating Briefing schedule.
5. Pursuant to the Briefing schedule, Saticoy Bay was given 90 days from the date of the notice to file and serve the Opening Brief and Appendix. The Opening Brief and Appendix were thus initially due on October 8, 2020.
6. On September 24, 2020, Counsel for Spanish Trial Master Association filed a Motion to Dismiss.
7. On September 29, 2020, Counsel for Red Rock Financial Services filed a Joinder to the Motion to Dismiss.
8. Saticoy Bay's Opposition to the Motion to Dismiss was filed October 15, 2020.
9. The Court ruled on the Motion to Dismiss on December 16, 2020.
10. The Court set January 15, 2021 as the deadline of the Opening Brief.

11. The client contact, Mr. Haddad, who is also the manager and sole approving official for Saticoy Bay, was recently diagnosed with Covid-19 and has been ill. Mr. Haddad has been unable to meaningfully participate in the preparation of the briefing and provide the necessary input and approval for the Opening Brief. Mr. Haddad is generally involved in his matters due, but particularly on this issue where the risks of the loss of the 1.2 million dollars involved.

12. Saticoy Bay's counsel is requesting an extension in which to file its Opening Brief to a date 14 days after the currently set deadline of January 15, 2021, namely, January 29, 2021.

B STATEMENT OF THE LAW

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

(2) Stipulations. Unless the court orders otherwise, in all appeals except child custody, visitation, or capital cases, the parties may extend the time for filing any 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.

(3) Motions for Extensions of Time. A motion for extension of time for filing a 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.

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

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 14-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 (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required; and
- (v) The length of the extension requested and the date on which the brief would become due.

C. ARGUMENT

As set forth above, Saticoy Bay's counsel seeks to obtain an extension of the due date for the Opening Brief that is presently due on January 15, 2021, and was originally due on October 8, 2020. This is not a child custody, visitation, or capital case. This is the third extension of time

1 that has been requested. The prior request was granted. The requested length of the extension is
2 for 2 weeks (14 days). The reasons are set forth below.

3 Saticoy Bay 's counsel is aware that this is the third request for an extension. However,
4 due to client contact (who is also the sole decision maker) having been diagnosed and ill with
5 Covid-19, which impacted the ability to obtain the necessary client input and approval. Mr.
6 Haddad is generally involved in his matter, but particularly involved in this matter due to the 1.2
7 million dollar sum involved. This has necessarily delayed the finalization of the Opening Brief.

8 Saticoy Bay 's counsel has timely filed a Joint Appendix, the contents of which are
9 agreed upon by the Respondents who have also consented to this requested extension, as an
10 indication that Saticoy Bay's counsel is not seeking to delay this matter, and is working towards
11 the completion of this matter with all due diligence. Furthermore, in compliance with Governor
12 Sisolak's request that Nevadans take all available steps to mitigate possible Covid-19 exposure
13 so as to avoid the requirement of additional limitations, a portion of the office is working
14 remotely to seek to mitigate risks. Due to the involvement with the client contact, these efforts
15 have had to be escalated.

16 CONCLUSION

17 Based upon the foregoing, Saticoy Bay respectfully requests that the deadline to file the
18 Opening Brief and Appendix herein be extended an additional 14 days, to January 29, 2021, or
19 another date that the Court deems appropriate.

20 DATED this 15th day of January, 2021.

21 ROGER P. CROTEAU & ASSOCIATES, LTD.

22 /s/ Roger P. Croteau

23 ROGER P. CROTEAU, ESQ.

24 Nevada Bar No. 4958

25 2810 W. Charleston Blvd., Ste. 75

26 Las Vegas, Nevada 89102

27 (702) 254-7775

28 *Attorney for Appellant*

SATICOY BAY LLC 34 INNISBROOK

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. Saticoy Bay 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.
5. Pursuant to the Briefing schedule, Saticoy Bay was given 90 days from the date of the notice to file and serve the opening brief and appendix. The opening brief and appendix were thus initially due on October 8, 2020.
6. Saticoy Bay's counsel's office previously requested 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. The Court granted said extension.
8. While the Renewed Motion to Dismiss was pending before this Court, Saticoy Bay moved for an extension. The Court suspended briefing pending the completion of briefing and decision of the Renewed Motion to Dismiss.
9. Upon deciding the Renewed Motion to Dismiss, the Court ordered the Opening Brief be submitted on or before January 15, 2021.
10. Mr. Haddad, who is also the manager and sole approving official for Saticoy Bay, was recently diagnosed with Covid-19 and has been ill. Mr. Haddad has been unable to meaningfully participate in the preparation of the briefing and provide the necessary input and approval for the Opening Brief. Mr. Haddad is generally involved in his matters, but particularly on this issue due to the risks of the loss of the 1.2 million dollar involved.

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11. Saticoy Bay respectfully requests an additional two week (14 day) extension, or until such other time that the Court deems appropriate.

12. 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 15th day of January 2021.

/s/ Roger P. Croteau
ROGER P. CROTEAU

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD.
5 and that on the 15th day of January, 2021, I caused a true and correct copy of the
6 foregoing document to be served on all parties as follows:

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

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

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

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

14
15 /s/ Christopher L. Benner
16 An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.
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